

EX. 1



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Eric Williams

November 19, 2013

Charlene Carter

~~1000 1/2 Queen Street NW
Aurora, CO 80016~~

I am in receipt of your letter dated September 29, 2013 and received in this office on November 1, 2013 stating that you want to resign as a member of **T.W.U.** and will continue to meet the lawful obligation of paying a representation fee to the union under its "union shop" or "agency shop" agreement with Southwest Airlines. You are required to also notify your Locals Secretary-Treasurer.

As a non-member you do not have a voice or a vote within **T.W.U.** However, as a condition of employment, you must make timely payments of a monthly fee in accordance with the Collective Bargaining Agreement and the **T.W.U. Agency Fee Policy**, of which a copy is enclosed.

Fraternally,

Alex Garcia
International Secretary-Treasurer

AG: sg
opeiu-153
Enc.

c: Garry Drummond
John Parrott, Secretary-Treasurer Local 556

EX. 2

1	IN THE UNITED STATES DISTRICT COURT	
	FOR THE NORTHERN DISTRICT OF TEXAS	
2	DALLAS DIVISION	
3	CHARLENE CARTER,	\$
		\$
4	Plaintiff,	\$
		\$
5	v.	\$ Civil Action No.
		\$ 03:17-cv-02278-S
6	SOUTHWEST AIRLINES CO.,	\$
	AND TRANSPORT WORKERS	\$
7	UNION OF AMERICA LOCAL	\$
	556,	\$
8		\$
	Defendants.	\$

10 REMOTE ORAL AND VIDEOTAPED DEPOSITION OF
11 CHARLENE CARTER
12 November 20, 2020

13 *****
14 PORTIONS OF TRANSCRIPT DESIGNATED CONFIDENTIAL:
15 PAGE 132:13 THROUGH 134:6
PAGE 134:19 THROUGH 135:10

REMOTE ORAL AND VIDEOTAPED DEPOSITION OF CHARLENE
19 CARTER, located at her residence in Aurora, Colorado,
20 produced as a witness at the instance of the Defendant
Southwest Airlines Co., and duly sworn, taken in the
21 above-styled and numbered cause on November 20, 2020,
from 10:02 a.m. to 4:36 p.m., before Joseph D.
22 Hendrick, Certified Shorthand Reporter in and for the
State of Texas, reported by machine shorthand, pursuant
23 to Notice and the Federal Rules of Civil Procedure and
any provisions stated on the record or attached hereto.
24
25 Job No. 4341722

1 A. No.

2 Q. I want to take you next to the second
3 paragraph and I will read the first sentence to you
4 while you read along quietly. "During the meeting, you
5 admitted you posted graphic videos of aborted fetuses
6 on Facebook and sent the same videos in a private
7 Facebook message to another Southwest flight
8 attendant."

9 Did I read that correctly?

10 A. Yes, you did.

11 Q. Is it true that you admitted during the
12 fact-finding meeting that you posted graphic videos of
13 aborted fetuses on Facebook?

14 A. Yes.

15 Q. Is it true that you admitted that you sent
16 the same videos in a private message to another
17 Southwest flight attendant?

18 A. I sent them to Audrey Stone who was my
19 president of the union, yes.

20 Q. And Ms. Stone was also employed as a flight
21 attendant by Southwest Airlines at that time, correct?

22 A. She was employed, yes.

23 Q. Well, I mean, my question is specific so I
24 want to make sure the record is clear. She was
25 employed by Southwest Airlines as a flight attendant,

1 correct?

2 A. Correct.

3 Q. The next sentence reads, "You also admitted
4 to sending the Flight Attendant a private message
5 containing a picture of individuals wearing costumes
6 depicting the female genitalia."

7 Did I read that correctly?

8 A. Yes, you did.

9 Q. Is it true that you admitted that in the
10 fact-finding meeting?

11 A. Yes, it is.

12 Q. Last sentence of that paragraph, "You
13 agreed that the pictures and videos were graphic."

14 Did I read that correctly?

15 A. Yes.

16 Q. Did you admit that at the fact-finding
17 meeting?

18 A. Yes.

19 Q. Next I want to take you to two new
20 additional exhibits, and I'll have you look at both of
21 them before we discuss them.

22 A. Will they just come up on the screen?

23 Q. Yes, ma'am. That's how all of -- that's
24 how I'm going to convey all of the documents to you
25 today.

1 the ones of the videos, pictures that you see. The
2 remaining were not -- were not a part of my
3 fact-finding meeting.

4 Q. Now, do you acknowledge that all of these
5 are messages that you sent to Ms. Stone?

6 A. Yes, as for being my president of the
7 union, it was.

8 Q. And prior to sending the messages,
9 beginning on the first page and continuing on to the
10 second page, did Ms. Stone report you to Southwest
11 Airlines?

12 A. No. As a matter of fact, we never even had
13 any communications.

14 Q. Did Ms. Stone ever respond to you with
15 respect to any of these messages?

16 A. No, she did not. She was very hard to --
17 to speak with.

18 Q. What efforts did you make to contact
19 Ms. Stone aside from sending these messages, if any?

20 A. Through emails.

21 Q. And --

22 A. And going to a, you know, a union meeting
23 before I became an objector.

24 Q. To the best of your recollection, what
25 emails did you send to Ms. Stone?

PORTIONS OF TRANSCRIPT DESIGNATED CONFIDENTIAL

1 A. The last time that I spoke with her was in
2 2013, at a union meeting.

3 Q. Can you tell me about that conversation?

4 A. Well, I mean, it was a union meeting. It
5 was put forth -- you know, I mean, there was a lot of
6 topics that were there. One of them being that she was
7 not the duly elected president. They had taken out
8 our -- our other team of elected officials.

9 Q. So was this a one-on-one conversation, or
10 was this just a general meeting environment?

11 A. Well, everybody has a moment to speak at a
12 union meeting.

13 Q. So were you standing up in the meeting and
14 speaking in front of the meeting to Ms. Stone, or were
15 you privately speaking to her on the side?

16 A. No, it was in the meeting.

17 Q. What did you say to Ms. Stone in that
18 meeting?

19 A. I don't recall everything that I said that
20 day.

21 Q. Do you recall anything that you said that
22 day?

23 A. I read out loud the bylaws that we want to
24 change, I do remember that, and that I read out the --
25 basically the coup that had been talked about with all

1 of them now that were representing us to take out the
2 last group, and that would have been Stacy Martin,
3 Chris Click, Jerry Lindermann, Dawn Wann, and Jana
4 Deloache.

5 Q. Did Ms. Stone respond to you?

6 A. She did not respond. It was basically a
7 document that I was able to read, several documents
8 that I was able to read, regarding some of the things
9 that were said by the people that actually now were
10 representing us.

11 Q. But she -- but she never had a direct
12 response to you.

13 A. No. As a matter of fact, she's never
14 really had a direct response with a whole lot of
15 people. She's very hard -- she was very hard to get
16 ahold of.

17 Q. Was this the first time you ever engaged
18 directly with Ms. Stone?

19 A. Yes, it was.

20 Q. Would it be fair to characterize that
21 meeting as confrontational?

22 A. It wasn't confrontational. It was just
23 basically stating some facts that were -- that we all
24 knew about.

25 Q. Were you upset?

1 A. I don't have -- I don't have Exhibit
2 Number 4.

3 Q. Sure. It should populate in just a moment.

4 A. Okay. I have it. I've got it.

5 Q. And I will represent to you that this is an
6 excerpt of volume 2 of the deposition -- of the
7 arbitration transcript --

8 A. Okay.

9 Q. -- taken on December 8th, 2017. It has
10 been excerpted to include only your testimony but all
11 of your testimony. I would like to direct you
12 specifically to page 359 using the page numbers in the
13 upper right-hand corner.

14 A. Okay. Okay.

15 Q. And if we look beginning at line 8 through
16 line 24, can you read that quietly to yourself and
17 please tell me when you have finished.

18 A. Okay.

19 Q. So in this testimony when your counsel was
20 questioning you, you were asked if you would send the
21 same messages again in the future and you say you would
22 not, correct?

23 A. I would not use the Facebook Messenger. I
24 would walk these into her office.

25 Q. So your sworn testimony today is when you

1 say, "I realize this is a mistake. I realize that I
2 need to do it in a different manner, and I'm sorry for
3 the manner that I did send it through and I take full
4 responsibility for it," you meant you would walk
5 pictures of abortions in to Ms. Stone?

6 A. I would have gone into her office instead
7 and had a meeting with her at that point, because this
8 would have never happened as in getting me fired, they
9 used the social media policy in this to get me fired.
10 If this would have been at a union meeting, which they
11 get heated and things are said and things are produced
12 in union meetings, I would have never been fired.

13 Q. So when you testified before the arbitrator
14 under oath, "I'm sorry for the manner that I did send
15 it through," what did you mean?

16 A. I'm sorry for the manner that it was sent
17 through a Facebook Messenger.

18 Q. So you were not apologizing for the tenor
19 of the messages?

20 A. When she was at the march, she saw these
21 exact same type of pictures through the march because
22 they were on big screens, and there is no way, unless
23 she shielded her face through the entire march, would
24 she have not seen some of these exact, if not more in
25 detail.

1 fact-finding meeting when I said I don't -- I -- I
2 don't believe in abortion and I don't believe that
3 our -- my union president should have taken our dues
4 and spent it on a march. This -- this had everything
5 to do with just that march.

6 Q. Ms. Carter, what I'm asking you is what is
7 it you're saying Southwest Airlines should have done to
8 accommodate your religious beliefs as soon as you
9 raised them?

10 MR. GILLIAM: Objection to the extent it
11 calls for a legal conclusion. You can answer.

12 BY MR. CORRELL:

13 Q. Are you testifying that they should have
14 just said never mind to this --

15 A. They should not have fired me over my
16 Christian beliefs.

17 Q. Okay.

18 A. After I expressed them in the union meeting
19 and we could have sat down and at least had a
20 conversation regarding that.

21 Q. So is there any limit to what you would be
22 allowed to say to express your Christian beliefs to
23 other employees of Southwest Airlines in your personal
24 view?

25 MR. GILLIAM: Objection. Incomplete

1 hypothetical.

2 A. They should have accommodated this.

3 BY MR. CORRELL:

4 Q. My question to you, Ms. Carter, is not
5 whether they should have accommodated this -- have
6 accommodated this. I'm trying to find the parameters
7 of the accommodation you claim you were denied. You
8 understand you are claiming in your lawsuit you were
9 denied an accommodation?

10 A. Yes, I was denied an accommodation.

11 Q. Do you understand that an accommodation is
12 an exception from a policy to allow for religious
13 beliefs?

14 MR. GILLIAM: Objection. Asks for a legal
15 conclusion.

16 A. I'm just gonna tell you right now I believe
17 that I should have had an accommodation on this
18 specific one, yes.

19 BY MR. CORRELL:

20 Q. And what would that have looked like?

21 A. I don't know how they write up the
22 accommodations. I don't know. I -- I never even knew
23 you had to have an accommodation. I believe my
24 accommodation falls under Title VII of the civil rights
25 that I have as a Christian or a believer, that due --

1 and due to the fact that my union president spent money
2 to go to a march that supported abortion. If you're
3 going to go to a march regarding this type of behavior,
4 this reflected that behavior and I should have had my
5 accommodations met once I said I was a Christian, but
6 honestly, this should have also been through the union
7 representatives, they knew where I stood on this.

8 Q. So your testimony is that you believe
9 Southwest should allow you to say whatever you want
10 however you want if it is in support of your Christian
11 beliefs?

12 MR. GILLIAM: Objection. Incomplete
13 hypothetical.

14 A. In this context --

15 BY MR. CORRELL:

16 Q. Hang on. Hang on.

17 A. In this context, yes.

18 Q. Hang on, Ms. Carter. Your testimony --

19 MR. CORRELL: Not a hypothetical, counsel.

20 BY MR. CORRELL:

21 Q. -- is that the accommodation you should
22 have been provided is the right to say whatever you
23 want however you want if it is in support of your
24 Christian beliefs?

25 A. Again --

1 Q. So Ms. Ross who we spoke about earlier, was
2 she your rep at step 2 then?

3 A. She was the actual person who did my case
4 through the union.

5 Q. What do you mean by that?

6 A. She was the one who did the grievance. She
7 was the grievance person.

8 Q. So she did not attend either hearing with
9 you?

10 A. She attended the second step meeting.

11 Q. So Chris Sullivan was the only union
12 representative who attended the first step meeting with
13 you?

14 A. That's correct.

15 Q. Between the time the fact-finding ended and
16 when you received Exhibit 1, the termination letter,
17 did you have any more interaction with the company
18 individuals who appeared at the fact-finding meeting?

19 A. No, I don't believe so.

20 Q. After you received the termination letter,
21 you grieved that decision, correct?

22 A. Correct.

23 Q. And that triggered a step 2 hearing, right?

24 A. Correct.

25 Q. What can you tell me about the step 2

1 I had never filed a grievance before so I was unclear
2 of how things happened.

3 Q. Other than providing you with that
4 information, did Ms. Wann do anything else that you are
5 aware of in response to your communications with her at
6 this time?

7 A. No.

8 Q. What did Ms. Deloache provide you, if
9 anything?

10 A. The same type of thing.

11 Q. Anything she provided that Ms. Wann did
12 not?

13 A. No.

14 Q. Other than Ms. Wann and Ms. Deloache, were
15 you communicating with anyone -- and Ms. Jackson, were
16 you communicating with anyone else about your step 2
17 proceedings at this time?

18 A. I don't believe so.

19 Q. Now, the result of your step 2 hearing was
20 an offer of reinstatement subject to a last chance
21 agreement, correct?

22 A. Correct.

23 Q. And you did not accept that last chance
24 agreement, correct?

25 A. Correct.

1 (Deposition Ex. 6 marked)

2 BY MR. CORRELL:

3 Q. I am going to show you what will be marked
4 as Exhibit 6 to your deposition. Just a moment here.
5 You should have that in just a moment here and it
6 should populate, like I said, as Exhibit 6. Let me
7 know when you have that. I know it may take a minute.

8 A. Okay. I have it.

9 Q. Do you recognize this document?

10 A. Yes.

11 Q. What is this document?

12 A. This is the settlement statement that they
13 offered me.

14 Q. Why did you decline this offer of
15 reinstatement?

16 A. Several reasons. One, first big -- the
17 biggest reason is that I have known flight attendants
18 that have accepted this, and as soon as they accepted
19 it, somebody had turned them in for something that they
20 had done in the past and then they got fired again.

21 Another reason I did not accept this was
22 due to the fact that they wanted to put a letter in my
23 file for 24 months, which exceeded the contract. It
24 was only supposed to be in there at the -- at the very
25 most for 18 months, so which that meant if, you know, I

Page 92

1 A. Through her -- I believe her fact-finding
2 meeting.

3 Q. Okay. Are you -- and how did Ms. Immamovic
4 find out that Ms. Stone allegedly turned her in for
5 social media violations?

6 A. That I do not know.

7 Q. Are you claiming as part of your lawsuit
8 that the union did not represent you properly during
9 the fact-finding meeting?

10 A. During the fact-finding meeting? Chris
11 Sullivan was amazing.

12 Q. And he was provided to you by the union,
13 correct?

14 A. Yes. But I wouldn't have been there if
15 Audrey hadn't turned me in.

16 Q. All right. That wasn't my question. I
17 appreciate that, Ms. Carter.

18 My question was, Mr. Sullivan was there on
19 behalf of the union to represent you, correct?

20 A. Chris Sullivan was there on behalf of the
21 union on his -- yes, to represent me.

22 Q. And did an amazing job?

23 A. He did, yes.

24 Q. All right. And what about step 2?

25 A. Step 2, Beth Ross and Becky Parker. I did

1 all of my step 2.

2 Q. Are you claiming as part of your lawsuit
3 that the union did not represent you properly during
4 your step 2 hearing?

5 A. I represented myself for the most part in
6 my step 2. I did all of the research and brought forth
7 all of the information. Becky and Beth did not. They
8 were just there as representatives.

9 Q. Okay. And that's -- I appreciate you
10 elaborating. My question is a little bit different.
11 Are you claiming as part of this lawsuit that the union
12 did not properly represent you during your step 2
13 hearing?

14 A. They were there and represented me, yes.

15 Q. Okay. That's still not answering my
16 question, ma'am. My question is as part of this
17 lawsuit are you claiming that the union did not
18 represent you properly during your step 2 hearing?

19 A. They represented me properly, both Becky
20 and Beth.

21 Q. And you previously testified that the
22 process was fair and complete, correct?

23 A. With --

24 MR. GILLIAM: The --

25 THE WITNESS: Go ahead.

1 BY MR. GREENFIELD:

2 Q. Is that correct -- was fair and complete?

3 MR. GILLIAM: Objection, vague.

4 A. Within my second step meeting, yes.

5 BY MR. GREENFIELD:

6 Q. Okay. And that it was Southwest who made
7 the decision to terminate you, correct?

8 A. I believe it was Ed Schneider.

9 Q. Okay. And do you have any evidence that
10 the union made the decision to terminate you?

11 A. No.

12 Q. Okay. Are you claiming as part of this
13 case that the union discriminated against you during
14 your grievance process?

15 A. Can you repeat that?

16 Q. Yeah. Are you claiming as part of your
17 lawsuit that the union is discriminating --
18 discriminated against you during your grievance process
19 in either the fact-finding or step 2 hearing?

20 A. No, neither on those two.

21 Q. Okay. Now are you claiming that the union
22 didn't represent you properly because of your religious
23 beliefs at the step 2 or fact-finding meeting?

24 A. Neither on those two.

25 Q. Are you aware of any other individuals who

1 A. No, they did not.

2 Q. They did not provide you a religious
3 accommodation?

4 A. They did not provide me a religious
5 accommodation.

6 Q. Did you request a religious accommodation
7 from the union?

8 A. I didn't know I had to.

9 Q. So the answer to my question is no, you did
10 not request a religious accommodation from the union?

11 A. Correct.

12 Q. Okay. Are you aware of any other
13 individuals that the union has not accommodated -- who
14 has not -- not provided a religious accommodation?

15 A. I do not have that knowledge.

16 Q. Okay. Are you aware if you filed an EEOC
17 charge for religious discrimination against the union?

18 A. Yes, I did.

19 Q. Okay. And you provided that documentation?

20 A. Yes, I did.

21 THE WITNESS: I can't do it right now. I
22 know. I know.

23 BY MR. GREENFIELD:

24 Q. Is it your testimony that -- when was
25 the -- okay. Let me take a step back.

1 I, CHARLENE CARTER, have read the foregoing
2 deposition and hereby affix my signature that same is
3 true and correct, except as noted above.

4
5 _____
CHARLENE CARTER

6
7 STATE OF _____)

8 COUNTY OF _____)

9
10 Before me _____ on this day
11 personally appeared CHARLENE CARTER, known to me (or
12 proved to me on the oath of _____ or
13 through _____ (description of identity card
14 or other document)) to be the person whose name is
15 subscribed to the foregoing instrument and acknowledged
16 to me that he executed the same for the purposes and
17 consideration therein expressed.

18 Given under my hand and seal of office this
19 _____ day of _____, _____.

20
21 _____
Notary Public in and for the
22 State of _____
23
24
25

REPORTER'S CERTIFICATION

DEPOSITION OF CHARLENE CARTER

November 20, 2020

I, Joseph D. Hendrick, Notary Public and
Certified Shorthand Reporter in the State of Texas,
hereby certify to the following:

That the Witness, CHARLENE CARTER, was duly
sworn by the officer and that the transcript of the
oral deposition is a true record of the testimony given
by the witness;

I further certify that pursuant to FRCP
Rule 30(f)(1) that the signature of the deponent:

X was requested by the deponent or
a party before the completion of the deposition and is
to be returned within 30 days from date of receipt of
the transcript;

_____ was not requested by the
deponent or a party before the completion of the
deposition;

I further certify that the amount of time
used by each party is as follows:

Mathew B. Gilliam - 00:00:00

Michael A. Correll - 04:54:50

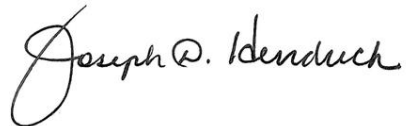
Adam S. Greenfield - 01:08:13

Edward B. Cloutman III - 00:00:00

1 I further certify that I am neither counsel
2 for, related to, nor employed by any of the parties or
3 attorneys in the action in which this proceeding was
4 taken;

5 Further, I am not a relative or employee of
6 any attorney of record, nor am I financially or
7 otherwise interested in the outcome of the action.

8 Subscribed and sworn to on this date:
9 December 8, 2020.

10
11
12
13
14
15
16 
17

18 Joseph D. Hendrick, CSR #947

Expiration Date: 04/30/2021

Notary Comm. Exp. 01/13/23

19 Veritext Legal Solutions

Firm Registration No. 571

20 300 Throckmorton Street, Ste. 1600

Fort Worth, TX 76102

21 Telephone (800) 336-4000
22
23
24
25

1 Mbg@nrtw.org

2 December 9, 2020

3 RE: Carter, Charlen v. Southwest Airline Co & Transport

4 DEPOSITION OF: Charlene Carter (# 4341722)

5 The above-referenced witness transcript is
6 available for read and sign.

7 Within the applicable timeframe, the witness
8 should read the testimony to verify its accuracy. If
9 there are any changes, the witness should note those
10 on the attached Errata Sheet.

11 The witness should sign and notarize the
12 attached Errata pages and return to Veritext at
13 errata-tx@veritext.com.

14 According to applicable rules or agreements, if
15 the witness fails to do so within the time allotted,
16 a certified copy of the transcript may be used as if
17 signed.

18 Yours,

19 Veritext Legal Solutions
20
21
22
23
24
25

EX. 3 - REMOVED

EX. 4

TUE 12:22

This is what you supported during your Paid Leave with others at the Women's MARCH in DC....You truly are Despicable in so many ways...by the way the RECALL is going to Happen and you are limited in the days you will be living off of all the SWA FAs..cant wait to see you back on line.



Samina Shah added a new video.
An aborted baby alive even after the abortion.
This is the reason abortion is murder and Hara...

< Home (1)

Charlene Carter >
Messenger



TUE 13:33

TWU-AFL-CIO and 556 are supporting this Murder...



My Page - My Opinions added a new video: Abortion.

#Democrats - This is what you support? If its...

My Page - My Opinions



Did you know this....Hmmmm seems a little counter productive don't you think....you are nothing but a SHEEP in Wolves Clothing or you are just so un-educated you have not clue who or what you were marching for! Either way you should not be using our DUES to have Marched in this despicable show of TRASH!

Type a message...

Aa



SWA000596



Cancel Comments



My Page - My Opinions

February 4 at 8:08pm ·

#Democrats - This is what you support? If its your body your choice, who is this laying in the fucking bowl? It doesn't looks like your body. #evil #murder #ownit #abortion



Like Comment Share

🙄😡👍 1K

3,915 Shares

View previous comments...



My Page - My Opinions

Just so you all know, this has been reported and it is not a violation. Stop trying this dousche tried

 Home

Charlene Carter >
Messenger



Morally bankrupt people are great at deception. They put others in situations so that they can take the fall for their poor judgments, lies, greed, and betrayals. They are not above providing false information to cover their tracks and they are skilled at placing blame other than where it belongs.

Jealousy and Arrogance

Jealousy is a driving force of morally bankrupt people. They see that you have something that they want, and they are going to get it from you at all costs. Their jealousy drives them to the point where nothing matters but "winning." Jealousy is such a beast and so powerful that it tests even the strongest moral character.

Morally bankrupt people love to brag about what they have and what you do not have. They use power unnecessarily and abuse their status to make others look small, incompetent, weak, or foolish. They always see themselves as better than you and will tell you so at any

Type a message...



< Home

Charlene Carter >
Messenger



given moment.

Fairness

The morally bankrupt person can't even spell the word fairness. They are driven by what is best for them, not what is best for the good of the whole. They can usually justify any action as being fair, because they are more skilled at deception than at being fair.



03/10/2015, 11:32

in'tegrədē/
noun

1.

the quality of being honest and having strong moral principles; moral uprightness.

"he is known to be a man of integrity"

synonyms: honesty, probity, rectitude, honor, good character, principle(s), ethics, morals, righteousness, morality, virtue, decency, fairness, scrupulousness, sincerity, truthfulness, trustworthiness

"I never doubted his integrity."

Type a message...



SWA000599

< Home

Charlene Carter >
Messenger



decency, fairness, scrupulousness,
sincerity, truthfulness,
trustworthiness

"I never doubted his integrity"

2.

the state of being whole and
undivided.

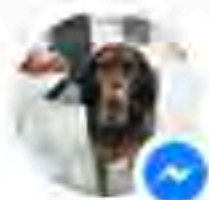
"upholding territorial integrity and
national sovereignty"

synonyms: unity, unification,
coherence, cohesion, togetherness,
solidarity

"the integrity of the federation"



Integrity.... That is what Lynn and her
Team will bring to TWU 556 so sad
that this Un-Elected board has
none.... Remember you all work for
the FAs not the other way around!!!



03/11/2015, 12:32

Had to share with you...
This came from a friend
of mine in Denver who
also has had the
pleasure of the
disrespect from a few
on this Un-Elected

Type a message..

Aa

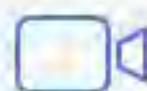


SWA000600

Home

Charlene Carter >

Messenger



Had to share with you...
This came from a friend
of mine in Denver who
also has had the
pleasure of the
disrespect from a few
on this Un-Elected
Board!! He did Say this
about Flight
Attendants.... What kind
of a message does that
send when BOARD
Members say things like
this about the Very
Flight Attendants he
says he Represents....
Hmmmm very Un-
Professional at the very
Least!!! To think this iis
the very Character
(Statement from his
own mouth) that we as
Flight Attendants PAY
FOR!!! Their is such a
lack of Morals on this
Board.... PRAYING that
all of you are Voted Out
of office!! Then we can
bring back Truth.

Type a message...



< Home

Charlene Carter >
Messenger



all of you are Voted Out
of office!! Then we can
bring back Truth,
Transparency, Integrity
and UNITY!!!



Oh dude NOTE.... This person who
sent this to me Voted a straight
ticket for Lynn and Team. YAY



Oops got so excited about their vote
that misread Side Note. Put

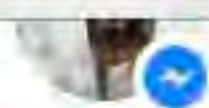
Type a message..

Aa



< Home

Charlene Carter >
Messenger



Oh dude NOTE.... This person who sent this to me Voted a straight ticket for Lynn and Team. YAY



Oops got so excited about their vote that misspelled Side Note... But because you are so Smart I am sure you got the meaning of the message.



03/11/2015, 20:22

This is what Radical Unions like TWU use to get their WAY!! Same things being used by this Un-Elected Board....but people are waking up to the tactics and someday the Chickens will come home to ROOST. Praying to GOD it comes sooner then latter.

Saul Alinsky's 12 Rules for Radicals

Here is the complete list from Alinsky.

* RULE 1: "Power is not only what you have, but what the enemy thinks

Type a message..



SWA000603



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Charlene Carter >
Messenger



use to get their WAY!! Same things being used by this Un-Elected Board....but people are waking up to the tactics and someday the Chickens will come home to ROOST. Praying to GOD it comes sooner then latter.

Seen


Saul Alinsky's 12 Rules for Radicals

Here is the complete list from Alinsky.

- * RULE 1: "Power is not only what you have, but what the enemy thinks you have." Power is derived from 2 main sources – money and people. "Have-Nots" must build power from flesh and blood. (These are two things of which there is a plentiful supply. Government and corporations always have a difficult time appealing to people, and usually do so almost exclusively with economic arguments.)
- * RULE 2: "Never go outside the expertise of your people." It results in confusion, fear and retreat.

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Messenger



* RULE 3: "Whenever possible, go outside the expertise of the enemy." Look for ways to increase insecurity, anxiety and uncertainty. (This happens all the time. Watch how many organizations under attack are blind-sided by seemingly irrelevant arguments that they are then forced to address.)

* RULE 4: "Make the enemy live up to its own book of rules." If the rule is that every letter gets a reply, send 30,000 letters. You can kill them with this because no one can possibly obey all of their own rules. (This is a serious rule. The besieged entity's very credibility and reputation is at stake, because if activists catch it lying or not living up to its commitments, they can continue to chip away at the damage.)

* RULE 5: "Ridicule is man's most potent weapon." There is no defense. It's irrational. It's infuriating. It also works as a key pressure point to force the enemy into concessions. (Pretty crude, rude and mean, huh? They want to create anger and fear.)

* RULE 6: "A good tactic is one your

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* RULE 6: "A good tactic is one your people enjoy." They'll keep doing it without urging and come back to do more. They're doing their thing, and will even suggest better ones.

(Radical activists, in this sense, are no different that any other human being. We all avoid "un-fun" activities, and but we revel at and enjoy the ones that work and bring results.)

* RULE 7: "A tactic that drags on too long becomes a drag." Don't become old news. (Even radical activists get bored. So to keep them excited and involved, organizers are constantly coming up with new tactics.)

* RULE 8: "Keep the pressure on. Never let up." Keep trying new things to keep the opposition off balance. As the opposition masters one approach, hit them from the flank with something new. (Attack, attack, attack from all sides, never giving the reeling organization a chance to rest, regroup, recover and re-strategize.)

* RULE 9: "The threat is usually more terrifying than the thing itself."

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 HomeCharlene Carter >
Messenger

* RULE 9: "The threat is usually more terrifying than the thing itself." Imagination and ego can dream up many more consequences than any activist. (Perception is reality. Large organizations always prepare a worst-case scenario, something that may be furthest from the activists' minds. The upshot is that the organization will expend enormous time and energy, creating in its own collective mind the direst of conclusions. The possibilities can easily poison the mind and result in demoralization.)

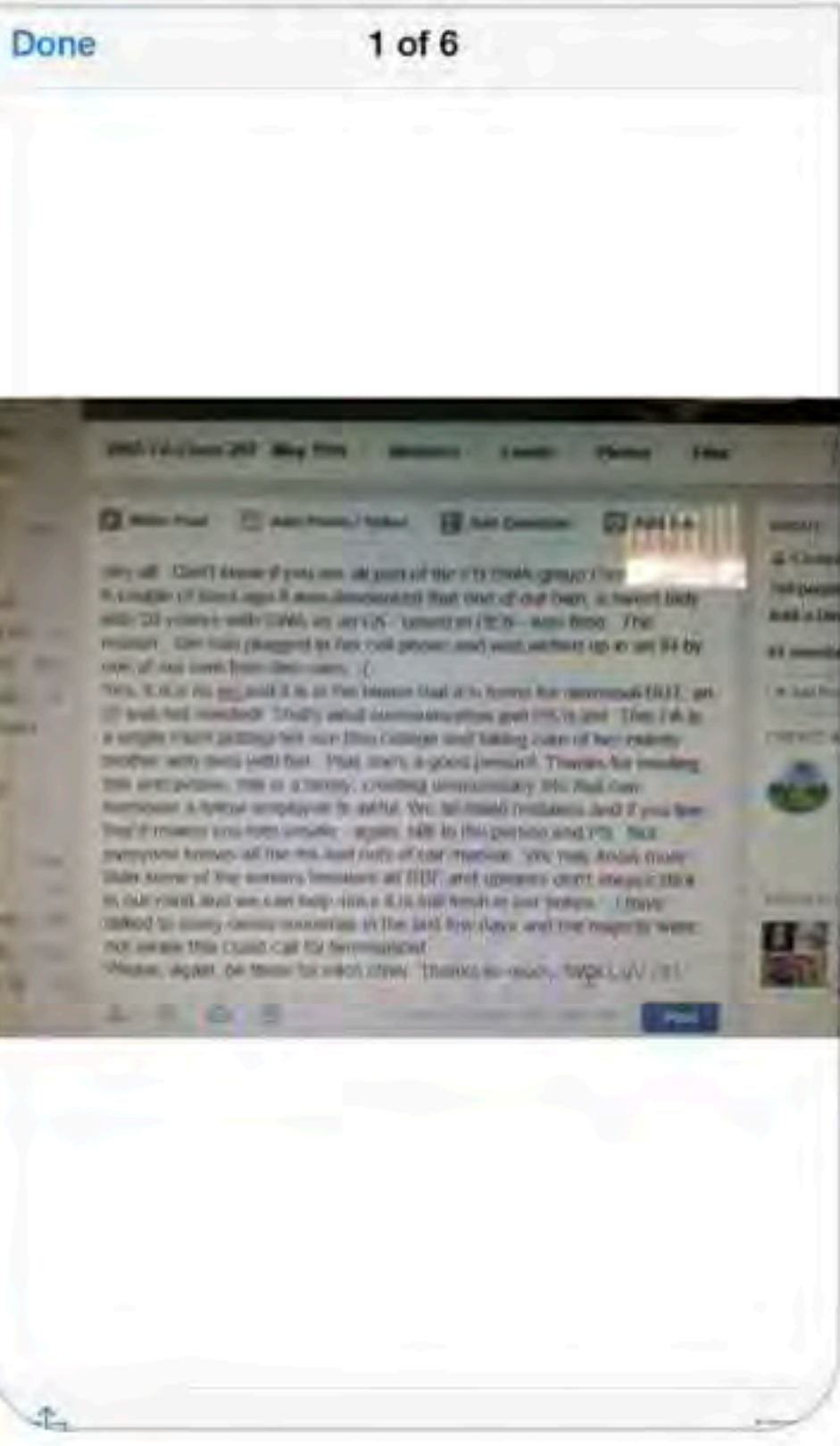
* RULE 10: "If you push a negative hard enough, it will push through and become a positive." Violence from the other side can win the public to your side because the public sympathizes with the underdog. (Unions used this tactic. Peaceful [albeit loud] demonstrations during the heyday of unions in the early to mid-20th Century incurred management's wrath, often in the form of violence that eventually brought public sympathy to their side.)

Type a message...



SWA000607

some and not against others, so your letter was in perfect timing!! Hope to see this Denver Flight Attendant back on line VERY Soon!!!



My Attorney called it Blatant Discrimination!!! Just saying... Wonder who on the EB called in this favor for Brian???? Doesn't matter it shows Calaberation and both parties

< Home

Charlene Carter >
Messenger



shows Calaberation and both parties could suffer, because they are applying it to only a few and that is a NO NO, they are Blatantly ignoring their own Company Policies....
Hmmmm that sounds like corruption.... Wonder who it was in the chain of Management allowed this to happen.... I know that if an attorney takes this that he will find out!! Hope all this gets worked out in a timely manner for this flight attendant.



And Nicely worked out.

03/24/2015, 13:05

Hmmmm looks likes there is another GROUP that is not happy with TWU...REALLY???????

TWU LOCAL 577 IS NOW ATTEMPTING TO DECERTIFY TWU. This letter below from Local 577 Contract negotiators, Debra Peterson-Barber and Katie Fowle. THEY QUIT!!

Type a message...

Aa



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Messenger



03/24/2015, 13:05

Hmmmm looks likes there is another GROUP that is not happy with TWU...REALLY??????

TWU LOCAL 577 IS NOW ATTEMPTING TO DECERTIFY TWU. This letter below from Local 577 Contract negotiators, Debra Peterson-Barber and Katie Fowle. THEY QUIT!!

Subject: NT resignation
Dear Local 577 members,
For two years our group has been in mediation, with little or no movement. There have been frustrations on the line that the TWU is not living up to the promises they made.
Over the past several months, your NT has worked hard to come up with a plan that would close our contract and give the flight attendants of Allegiant the protection they deserve. With the very real potential of a pilot strike, it was imperative that we act swiftly. Unfortunately, the TWU did not approve the plan we

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Messenger



that we act swiftly. Unfortunately, the TWU did not approve the plan we developed because it did not fit their political interests.

Because we could no longer support the TWU in the direction they are taking this campaign, we officially resigned our positions as Negotiating Team members yesterday morning.

We believe this work group needs protection. We believe we deserve fair working conditions and a legally binding contract; but we couldn't stand idly by and lead this work group along a path that we feel does not have the best interests of the flight attendants in mind.

By now you've no doubt heard from the Twu about their new restructure of the NT and their new strategic plan moving forward. We are very sorry that it had to happen like this and we did not take the decision lightly, but the political position of the TWU should not be what is guiding our direction. If our leaving inspires the TWU to do what is necessary to secure our contract,

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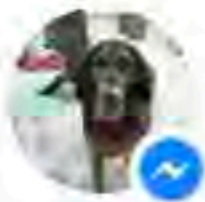


inspires the TWU to do what is necessary to secure our contract, then it will be worth it.
Respectfully,
Debra Barber (LAS) & Katie Fowle (BLI)



YEP...Not working for the Common Good of the Flight Attendants....We could have told them that about TWU!! Chickens are coming home to ROOST!....wonder if Virgin will be saying the same things....I have friends over there....but there are many that are already having REMORSE in voting TWU in...

04/01/2015, 10:10



Hey where did Mr. Talburt GO? Will there be another Favor called in, and to think you condoned his behavior along with Brett and the rest!! Really shows your lack of Morals....praying that changes!

05/01/2015, 21:24


Well well well Brian is back and so

Type a message..

Aa



SWA000612


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Messenger

05/01/2015, 21:24

Well well well Brian is back and so are many more I here! Some though had to wait almost a year to get their jobs back or at least get a settlement from being **WRONGLY** Fired!!!! I know you worked very hard for Brian... I hear for 2 days strait!!! Now what I want to know is why you will do this for him it not others???? That seems to be a little biased!!!! Did the others not deserve the same **HARD WORK** that you seem to put in for Brian? Guess not. My attorney said this is not good for the Union or the Company to show favoritism!! Especially when I know a Flight Attendant in Denver that you all know about (Rena or Irene) she should have never been fired for her post on SM but for some reason she has fallen at the end of the line... Is it because she is not important enough???? They also Fired her while she was still under Concentra OJI observation. Personally I do not believe the Company can fire anyone for anything they say on their Private

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Charlene Carter >

Messenger



...observation. I personally do not believe the Company can fire anyone for anything they say on their Private FB Page unless it is a threat.... Do they not know of the First Amendment to the Constitution??? It trumps what they are firing people for. Do I think Brian should have lost his Job NO except he did use the word Execute in his FIRST firing!!!! That to me was a threat, even my attorney believes so, but the Company has set a Persistence on what they will allow and now they have set themselves up for big trouble along with our Union if they Fire Others for anything LESS and because you all have fast tracks his reinstatement before others shows your discrimination towards the others that have had to wait to get representation... Tell me again why we pay you at TWU-AFL-CIO and 556?? You can nitpick and choose what or who you will represent and that is exactly what you all are doing and have done!! There is a whole list of people who are watching and waiting to see if you all and the company do the RIGHT THING. I

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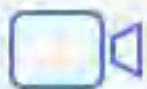
others that have had to wait to get representation... Tell me again why we pay you at TWU-AFL-CIO and 556?? You can nitpick and choose what or who you will represent and that is exactly what you all are doing and have done!! There is a whole list of people who are watching and waiting to see if you all and the company do the RIGHT THING. I would hate to see this go to a Labor Attorney and the Media for the deliberate Corruption between TWU AND SWA. But there are many waiting in the wings to see if TWU and SWA do just that THE RIGHT THING and reinstate and stop harassing people about their PERSONAL opinions they express on FB.... It is a violation of our Constitutional Rights!!!! PERIOD Rena said you are working on her case but sure is not going as fast as Brian's no matter what he deserves your best just like Brian got NO MATTER WHAT that is why we have a Union RIGHT!! This another thing my attorney has told me. I am sick of the CORRUPTION and so are others. Praying you all

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< Home

Charlene Carter >
Messenger



my attorney has told me. I am sick of
the CORRUPTION and so are others.
Praying you all

di your very best for all the rest of us
out here on line!!! Watching and
waiting. Have a wonderful evening
Audrey



05/05/2015, 13:59

Well you guys have done it
again....took and threw out the VOTE
of the Dallas Flight Attendants....here
are just a few comments about your
Corrupt WAYS are being voiced! We
just may ge a whole lot more to OPT
out of this Corrupt UNION!!


Well if didn't take long for our local
to get rid of a newly elected board
member!!! Record time someone call
The Guinness Book Of World
Records!!!! BR Ricks the newly
elected DEBM OF DALLAS Has been
removed. Something smells

Well, Audrey Stone & Co Removed
BR Ricks from his position as Dallas
Base Ren. Stating he was not

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Charlene Carter >

Messenger



Well, Audrey Stone & Co Removed BR Ricks from his position as Dallas Base Rep. Stating he was not residing in Dallas. BR was on the ballot which means due diligence was applied and he is a qualified candidate.

BR has a Dallas Address....

Well Dallas Flight Attendants Your Union Board just removed the Dallas Domicile Representative! After a few hours in boards they took away your vote and your voice! Shameful dirty and low! Just my humble opinion.

They claim he didn't have a DAL address? I'm not even sure he needs a DAL address based on this bylaw. What does reside in base even mean? Another dysfunctional bylaw.

b) Domicile Executive Board Members must be based and reside in the Domicile they represent. In the event a Domicile Executive Board Member relocates outside of his/her Domicile the position will automatically be considered

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Domicile the position will automatically be considered vacated. A Member who is based and resides in that Domicile must fill the vacated position.

If you don't like the VOTE just overturn it....yep...that is Corruption at its best! I honestly do not know how you all SLEEP at NIGHT...



I think we need a RECALL just like we had with Stacey and CREW!!!



The Union is Carpet Bombing AGAIN... that has been your tactic since you all took over, you like the VOTE only when it is for YOU and YOUR People! Disgusting....Hope this Membership wakes up soon to the BACK DOOR Deals and Dirty Politics you all seem to THRIVE ON! and to think we all pay your Salaries....

Yep, but here's the thing...they're getting away with it because no matter how we vote, our vote is irrelevant. Very frustrating!

Type a message...

Aa



< Home

Charlene Carter >
Messenger



Yep, but here's the thing...they're getting away with it because no matter how we vote, our vote is irrelevant. Very frustrating!



But he wasn't on their side. They made it their mission and succeeded. Go figure!

Our REP in Denver does not live in DALLAS....so your excuse DOESN'T hold UP Period!!!



Andrea does not live in Dallas either



OUR REP in Denver does not have a Denver Address....it is Fort Collins!! lest split hairs here.....GOD WE ARE SICK OF THIS



As I recall Audrey didn't officially live in base when she was BWI Debm she had a place there... If this along with the 2012 election doesn't open your eyes nothing will.

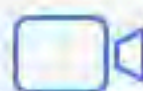
If this does not fly as the Excuse

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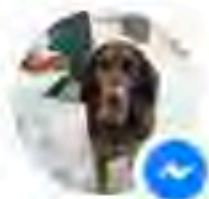
Charlene Carter >
Messenger



If this does not fly as the Excuse wonder what you will put out to cover the LIE???? We are all waiting!!!

This is outrageous! He lives with Sarah in Dallas! What about the Denver rep that lives in Fort Collins?

It's because Denver rep is in their "club"



"We" need to DO something about this and not let them get away with this. ...again! !

Didn't Thom McDaniel live in Houston the entire time he was Pres?



I know I supported that the representative should live in city they represent, but I also wanted my Pres. to live in DAL and not in a house that we paid for... This seems to just be a smoke screen to remove the DAL rep..

Type a message..



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Charlene Carter >
Messenger



There you have just a few of so many who are talking about this....hope we as Opt Out People get MORE to join in...I know there is a magic number when it will really hurt TWU in the BANK ACCOUNT and maybe with all the you are doing to show that you could careless for the ones who voted then just maybe we will reach that critical number....slow and methodical is what our GROUP is and getting the info out to each and every FLIGHT Attendant is the GOAL....especially when you all pull this again!! Shows who you Support and it isn't the FAs!



it's criminal. Audrey has taken it upon herself to cast out Dallas votes completely. How would everyone feel if someone you elected was told they couldn't do it after the fact? No trial. No charges just locked him out. God damn it I'm tired of everyone just sitting around and pretending everything is okay. This is our lives our futures everyone. Wake the frick up



Type a message...

Aa



05/06/2015, 17:02

379 DAL votes wasted and tossed down the drain.
That's the Unity President Audrey Stone is calling for.



Congratulations to the newly elected 2015-2018 TWU 556 Executive Board

President 3488 Audrey Stone 2587 Lyn Montgomery	DWI Domicile Executive Board Member 321 Stacey Vasakas 48 David Garcia 96 Darnell West 229 Stephanie Roberts
1st Vice President 2612 Todd Gage 2200 Teri Quisen 1168 Carlton King	DAL Domicile Executive Board Member 379 Brian "Big" Ricks 305 Andrean Garnett
2nd Vice President 2987 Brent Navarra 1833 Kristen Loucks 1198 Don P. Shipman	DEN Domicile Executive Board Member 347 Jessica Parker 143 Chris Sullivan
Recording Secretary 3443 Cayla Thompson 2471 Kathleen Gregory Mayson	BDU Domicile Executive Board Member 363 David Jackson 256 LaTonia Paul Brown
Financial Secretary/Treasurer 3892 John Parrott (unseated)	LAS Domicile Executive Board Member 694 Rachel Brysonfield (unseated)
Board Member at Large 2734 Sam Wilkins 2147 Crystal Reven 566 Melissa Little 1078 Michael Massimo 1107 Rickie Sprad (Rickie Botby) 591 Michael Reid Rodriguez 378 Jeffrey Sloan 178 Aaron Martin 490 Elizabeth Leupley 417 Eddie Paul 510 Bernadine Rivas	MCD Domicile Executive Board Member 400 Jimmy West 104 Anita Vinje MDW Domicile Executive Board Member 699 Donna Keith 138 Ray Soria CAK Domicile Executive Board Member 528 Matt Hettich (unseated)
ATL Domicile Executive Board Member 341 Pamela Forte (unseated)	PRO Domicile Executive Board Member 366 John DiPippo 10 Lawrence Jackson 158 Jeffrey Baker 192 Jim Voipe



Yep this is why I have Opted OUT!!!
Votes don't matter!!

05/10/2015, 16:05

< Search

BR Ricks, removed from his ELECTED TWU Executive Board position because Audrey Stone claims he doesn't live in the Dallas base yet Southwest Airlines seems to think he lives in the Dallas base.
Welcome to 556 y'all.

●●●○○ AT&T 4G

4:51 PM

93%

< BR

3 of 3

Type a message...

05/10/2015, 16:05



Yep more LIES from all of you and your Sheer CORUPT ways!!! So glad others are waking up to what this Union stands for and its not We the Flight Attendants!!

What's that D word I like so much.... Hmmm maybe just maybe one day we will see it happen!! Or better yet we WIN the Law Suite that we have

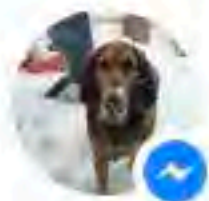
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Charlene Carter >
Messenger



What's that D word I like so much....
Hmmm maybe just maybe one day
we will see it happen!! Or better yet
we WIN the Law Suite that we have
with THE RIGHT TO WORK Org has
against TWU. Praying the GOOD will
eventually Win out against all of the
BAD which is what you seem to
thrive on!!! I truly HATE having to pay
anything to all of you and TWU-AFL-
CIO!!!!!!



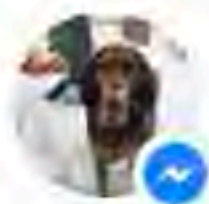
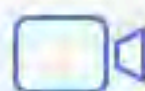
Type a message...

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Charlene Carter >
Messenger



Who did you all replace BR with oh that's right it is Andrea!!!! HMMMM Wonder if it was planned all a long.... Bet it was!!!! Sickening not sure how or why you do the things you do???? Guess it is the MOB mentality that is taught by OUR TWU INTERNATIONAL.... Or did you learn this on your own??? I guess it doesn't matter because you do it no matter what or how you learned it. Corruption at its best 😡

I have so many friends in Dallas that are very angry about having their VOTE taken and TRASHED hoping they all File Charges against you and the rest that did this to BR!!!! Hope too BR gets an attorney and SUES the Poooo out of TWU and the Board... He sure has a CASE!!! I know the perfect Attorney too that would be more then happy to help him out. GOD help our FAs because if you sell us out like this you will sell us out on a Contract as well.... That is what most are talking about too!!!! THAT

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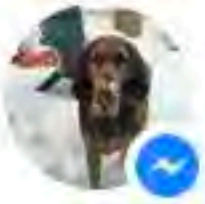


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Charlene Carter >
Messenger



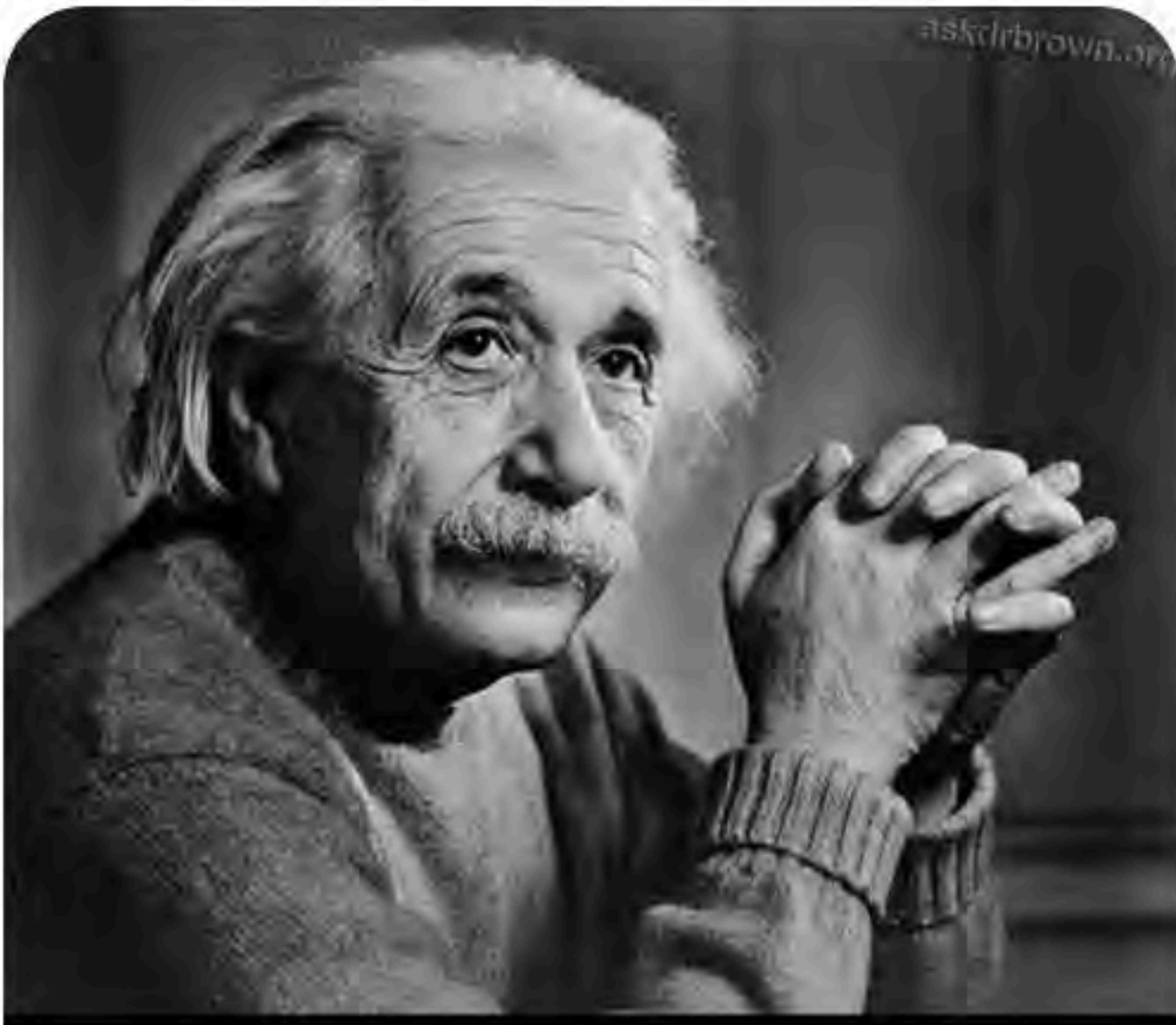
a Contract as well.... That is what most are talking about too!!!! THAT you all will Sell Them out to what ever the Company wants and that we will no longer have the Industry Leading Contract! Praying that is not the case.... But you have a horrible TRACK RECORD for not standing up for the VERY GROUP you get Paid By.... SWA FAs!!!



By the way without your HELP my Friend Rena got her Job Back on Friday!!!!!! Thank GOD🙏



05/23/2015, 09:53



Type a message...

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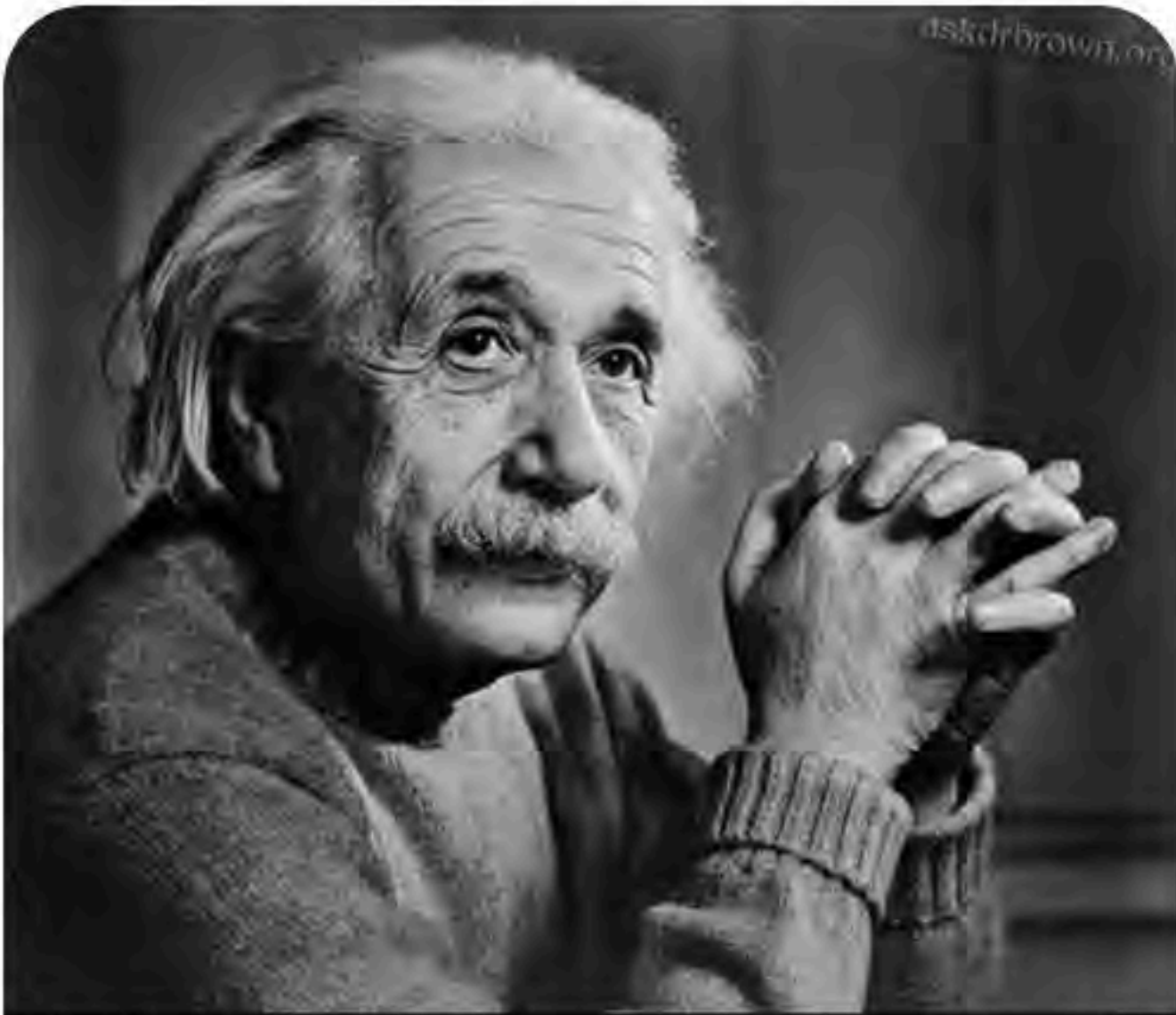
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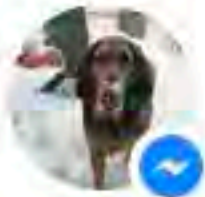
Charlene Carter >
Messenger



05/23/2015, 09:53



*"The world will not be destroyed
by those who do evil,
but by those who watch them
without doing anything."
Albert Einstein*



This is how I feel about you and the rest of the BOARD...Pure Evil...and there are a lot of us who have started the process to make sure that one day the EVIL will stop. We all know that BR will be heard by his Appeal....one more step in showing others how Corrupt you all are...What I am Praying for is that you and all the ones who illegally removed him

Type a message...




SWA000627

 Home

Charlene Carter >

Messenger



I am Praying for is that you and all the ones who illegally removed him from his Elected Position get REMOVED from the BOARD and never again get to hold a Union Position AGAIN!! GOD Willing this will HAPPEN...but if not we will keep up the GOOD FIGHT in to bringing Back Truth to our Union...not matter how long it takes. Good Day Audrey

06/13/2015, 19:48

This is AWESOME!!! Hey isn't this what Thom McDaniel worked on... Yes it is! There just may be some justice after all since it looks like he really messed this up BIG TIME!!! So let's see if they are not working in Good Faith for Allegiant then I bet they are not working in Good Faith for SWA FAs???? Such a Joke TWU is and has BEEN!! I personally think we should Join them in their endeavor and so do a lot of other people I talk too about this!!!! Hmmm maybe my Prayers just may get answered... Just waiting it out to see and I am one patient FA!!!

Type a message...

Aa



SWA000628

 Home

Charlene Carter >

Messenger



they are not working in Good Faith for SWA FAs???? Such a Joke TWU is and has BEEN!! I personally think we should Join them in their endeavor and so do a lot of other people I talk too about this!!!! HmMMM maybe my Prayers just may get answered... Just waiting it out to see and I am one patient FA!!! Hey another question doesn't one of our own on the Board have a Wife who is calling for this at Allegiant a Flight Attendant there... Yep there sure is.... Tangled Web! Can't wait to see what happens!!! By the way I have a couple of friends over there.... This is really fun to watch from my perspective. Have a Wonderful Evening.... From a Opted Out FA looking for a BETTER Union then the TWU and 556



Type a message...



< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa



Decertify Allegiant's Union

Yesterday in Washington DC the National Mediation Board called the ballots for the flight dispatchers. The Teamsters failed to gain majority support thus returning the dispatchers to the company.

Is This Union Illegally Keeping Its Finances From The Government?

Charlene Carter



It is a shame that the federal government is not doing enough to protect the rights of the workers. The Teamsters union is a powerful force in the industry and it is important that the government take action to protect the workers' rights.

The Teamsters union is a powerful force in the industry and it is important that the government take action to protect the workers' rights. The Teamsters union is a powerful force in the industry and it is important that the government take action to protect the workers' rights.

The Teamsters union is a powerful force in the industry and it is important that the government take action to protect the workers' rights.

The Teamsters union is a powerful force in the industry and it is important that the government take action to protect the workers' rights. The Teamsters union is a powerful force in the industry and it is important that the government take action to protect the workers' rights.

SWA000630



< Home

Charlene Carter

Document 183-1 Filed 09/09/21 Pa

Wonder if Mr. McDaniel could go to Jail for this???? Wouldn't that be something! Like I said this will be very interesting to say the least in watch play out!!! What's the old saying Birds of a Feather Flock Together... TWU and 556 CERTAINLY Flock Together in the Corruption and Lies seen it for 16 years. Even had the pleasure to testify against Mr. McDaniel at Melissa Smith's trial and have seen the Lies and Corruption FIRST HAND!!! Even have the Transcripts to this Day!!!! Wonder how he will Get out of this though... It is a lot BIGGER than what they did back then. Praying for JUSTICE to all that have been effected!!!

Hearing rumors of you selling us out on Minimums... Just flew and talked to 2 newer Flight Attendants from AirTran who told me this!!! You better be negotiating an even Better Contract than what we have!!! Since

SWA000632

Hearing rumors of you selling us out on Minimums... Just flew and talked to 2 newer Flight Attendants from AirTran who told me this!! You better be negotiating an even Better Contract then what we have!! Since you tell us it's Industry Leading!!! If you give anything away it will not be Industry Leading like the one we have!! Nothing less is what we all will except... And don't intimidate either like the SLI debacle we are watching out for each other on line because we know how corrupt our Union is... Even the newer Flight Attendants are paying attention! Nothing Less then What we Have is the Slogan!!!! Do not Sell SWA FAs OUT!!!!

Well Looks like the Rumor was TRUE!!!! You Sold the SWA FAs down the River!!!!!! You are despicable along with the rest of you Team...

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Charlene Carter

TRUE!!!! You Sold the SWA FAs down
the River!!!!!! You are despicable
along with the rest of you Team....
You all should be Fired. Not one
person that I have talked to or seen
talking about it on social media is
VOTING NO!! Praying THIS
HAPPENS!!

Even people from AirTran.... Not one
is Voting Yes!!!

Best one I have SEEN SO FAR!!!! We
should be able to FIRE YOU as well



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Charlene Carter



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Best one I have SEEN SO FAR!!!! We should be able to FIRE YOU as well.



You took a Industry Leading Contract and threw it in the Garbage who the heck are you for the Flight Attendants that pay your Salary that we are FORCED to PAY and you WORK FOR US or Gary Kelly and his Crew at HGO????? You are a Traitor

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WORK FOR US or Gary Kelly and his
Crew at HGC????? You are a Traitor
and I hope we get a card drive
together to OUT YOU just like you all
did to Stacey and Team!!!! The Word
is out that you should not be our
President except for your Fusion
buddies the haters!!!! You are one
BIG MISTAKE and people are waking
up to that fact.

Why do we need a Union for
this????? We DONT!!

Rumor has it you have a Great Job
waiting with Gary Kelley and team
after your term ends as President....
HMMMM and wouldn't be even
better if you were able to get a Crapy
Contract for us but it's a win for the
Company so that would look really
Good for you.... HMMMM Maybe
that's why you are screwing us FA
with this TAl!!!

Yep Hitting hard at MOMS!!! From

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Yep Hitting hard at MOMS!!! From one concerned Daddy who him and his wife fly and have a baby!



Thomas Katie (Spencerfield) and Stephanie K. Spencer.
It's for a review for you more tentative agreement for our contract. It really impacts working moms and NOT in a good way. On top of this fact there is just nothing else that we can do to make you qualify for our already named vacation weeks for minimums. We have never had minimums by that's how much we have been able to put that on the table and at home but in the process if we had more money we have to spend more money on our own and we don't want to be present for free kids. It's a sad and very expensive change. This new plan also potentially takes the 10,000 more dollars that we have to take it to. So it makes no sense other than to discriminate against mothers and it's people with no money to change.

From another Flight Attendant... You are truly making a name for yourself Audrey... and its not a GOOD One!

I have made a promise to myself that I am going to go quiet after this post. I am tired of hearing myself going on about it. I have never been so worked up over a TA like this. Even when I picketed way back when. It seemed different. Don't know why

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seemed different. Don't know why but it was. This really has struck a cord in me. Debby Dowse Fisher mentioned in a thread here on this site that her 44 years of hard work is going to be destroyed by this contract. She is right, so very right. The Debbie's and the Sandras and the C.J.'s they laid the foundation down for all of us. My 20 years is a drop in the bucket compared to these ladies. If it was not for them we wouldn't be having a discussion about contracts and union. These ladies have invested a whole lot of time, there lives basically for this airline. They worked in conditions and under rules you and I wouldn't. God Love Herb and Colleen but SW was not always the place that made you money in a pay check. And God knows 8,7,6 legs a day with three carry on's was hell so my hats off to the senior ladies for helping us come to where we are now...

They as myself have put in a lot of time in with the job and I am sure some of them would like to start

attn:charlene@att.net

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slowing down. Being we do not have retirement all you can do is cut back. Maybe take some hard earned money and travel a little. Spend time with friends, there kids, maybe grand kids, things you do when you start thinking about hanging it up for good.

I know after 28 years I don't want to need to be flying 150 trips every month. Every year it gets less and less. 10 years from now I may want to take a month or two off because I can. The only problem is I will be penalized for this because unless you fly a certain amount you will lose your vacation! How sad is that, you have employees who help make this company strong, they dedicate many years to it and when they want to slow down you kick them to the curb and not pay them there vacation. I am not looking for a correction to this thought I know what the TA says. I am flabbergasted the union even brought this to a vote. Someday you going to be senior and you may want to take time off from work. You may

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you have to senior to you. You have to take time off from work. You may want to take several months off to take care of a parent you may just be burnt out. What ever the case may be. But if you do not average out enough trips you will not get paid for vacation. Is vacation not a benefit? Should that be reduced because you do not put out for this company? A friend made a valid point, if I pay you money to fly my trip and you trade it down would it be fair for me to be mad at you for doing that. Or perhaps they got sick and called in do I ask for the money back? Of course not! The deal was you take this off my hands for x amount of money. What you do with it is up to you. To me this is what SW is saying! Dip your trips as you want or get someone to cover them for you bc you need to be here to serve our customers but if you do we are going to get mad and withhold your vacation pay. How sad is that! Please friends don't sell each other down the river. One day it will come back and bite you. We all get old, and we

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100%

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and bile you. We all get old, and we are all going to become senior. You will be here 30, 40, 45 years and you will be holding trips to Milan and Rome and you may want to drop them to just stay at home and watch the trees grow watch your kids do something great. You may get tired of staying home too much and come back and work like the old days. What will suck is next year your vacation will be time off without pay. So much for all the good years you put in. Last year you dorked off and now your being punished for it. Think how sad it will if someone voted away your vacation simply because back in the day you flew 150 trips and you were rewarded with lots of pay for your vacation. Now you have the money and you want to take time off to enjoy it you have to think I'm going to lose money if I do not work all year. We must stay united and stand together, for each other. We are all in this together. Its a contract the world will not come to an end, SWY will not go out of business. We can go back and refine what is real

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SW will not go out of business. We can go back and refine what is not going to work for us. You do not have to go on strike. This friends I am sorry but we all deserve better than this... In Solidarity.

Wow...this one is good... I hear you are out their Cleaning Planes and telling people how wonderful this Contract is...this is what we are all telling them...just from one more Wonderful Flight Attendant that gets you are selling us OUT!

No way!!! This is only my 3rd contract, but from my experience, we've only gotten better deals from from voting down the crap... This TA is probably the worst low-ball offer I could've imagined... Myself and my family can only keep our fingers crossed that all F/A's realize that this is pure junk!! I'm actually heartbroken that we have a union that felt this was fit for our entire

month's wages. I know there's a lot of

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...that felt this was fit for our entire work group. How dare they push something that can potentially ruin families of FIA's that have given their heart, soul, service, and time to the company that they've protected and adored? I've always been so proud to work for SWA!! I've felt loved and blessed to be a part of this "family." Now I feel betrayed... And laughed at... I feel insignificant. I never voice my opinion- have always just been an observer and listener and never felt like I could educate myself enough on "contract lingo" to persuade anyone -(I never wanted to "push" anyone one way or another, but I have a family now that needs me! They rely on me to provide for them in multiple ways. This job is my dream job! I never want to do anything different! It has allowed me to be "mostly" a stay-at-home Mom,, AND provide financially for them,, and give health insurance to my children and partner. If this passes, it could potentially crush the family lives of so many FIA's... Many of us

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lives of so many FJA's... Many of us will have to leave a "family" that we've helped build. I am simply having the most difficult time processing the fact that anyone can see anything positive and beneficial in this TA... I've read it more than 10 times now, and honestly, I'm about to puke... I truly love SWA, but feel like our union pissed on the flame that we got roaring... WTF TWU5587M! I've always stood up for our union when times were tough, but now that I realize that they will spit in our face if it will benefit only them, I'm hoping we can band together and box their ears enough to tell them that EVERYONE deserves better than this piece of sh*t that's been presented. We've worked too hard and for too long for this to divide our own FJA family! I love all of you equally, and am willing to put myself on the line for a contract that benefits ALL FJA's. Please stay strong and respect all your fellow FJA's. You can count on me to look out for your families... For my family, and for all of you, my vote is a "Yes!"

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you know I'm the one who
me to look out for your families... For
my family, and for all of you, my vote
is a "No."

You are a DISGRACE to all of
us...and finally others are waking up
to it... I guess you forgot you work
for USA!! But the FAs that voted for
you are waking up as well...you sold
them out too and they are very
Disatisfied with YOU to say the
LEAST!!

Two wonderful Flight Attendants and
their Baby Daughter... You not only
are trying to Sell the very Flight
Attendants that (YOU WORK FOR)
down the RIVER, but you are also
SELLING out their Families!! Heard
about the Dallas Meeting and how
you really can't answer with clarity
about the VERY TA you AGREED
TOO and sent out us... You either
are trying to act incompetent or you
are just that INCOMPETENT...Or
worse you are WORKING FOR

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ask just that INCOMPETENT... Or worse you are WORKING FOR MANAGEMENT behind closed doors! Anyone of these scenarios are BAD for US SWA FAs and you are not cut out along with your THUG BOARD to be our Representatives!!! You and your NT have started your own demise... shame on you for collecting a Pay Check from US!!!! Even many staunch supporters are not backing you and your team, so if anything good comes from this HORRID TA will hopefully be your OUTING and back on line... ALL OF YOU... Praying this HAPPENS

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Wow from what I am hearing from all bases is that you all were looked at like Company supporters and not Flight Attendant supporters!!!! I am

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Wow from what I am hearing from all
bases is that you all were looked at
like Company supporters and not
Flight Attendant supporters!!!! I am
hearing an overwhelming NOOOOOO
across the Land of SWA!!!! Now we
just need to Fire all of you... And that
is resonating just as much as the NO
Vote... Maybe just maybe we all will
see that happen as well. They are
saying YOU ALL WORK FOR US... We
pay your Pay Check something I
think you all forget on a daily basis
and not to mention the Pathetic
TWU-AFL-CIO one of the WORST
ORGANIZATIONS around 

WOW... This is REALLY GREAT!! Told
you you all are going to get a BIG
BACK LASHING... and even from
your so called supporters! What is
really great is that it has brought
rivals together... I am hearing it
EVERYWHERE and now in the News.

Delivered by SMS

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EVERYWHERE and now in the News Paper...YES... maybe you have woken the Sleeping GIANT with this SLAP in the FACE TAAAAH READ

From the Chicago Business Journal
a follow up story
just released today July 21

This could wind up a very bad week
for Southwest Airlines CEO Gary
Kelly.

Even if the low fare behemoth, as
expected, reports record 2015
second quarter profits this Thursday
morning, Kelly could have thousands
of very unhappy flight attendants to
contend with by Friday afternoon.

With less than 72 hours until the
voting ends at noon central time on
Friday, sources indicate Southwest's
(NYSE: LUV) rank-and-file unionized
flight attendants, members of
Transport Workers Union Local 556,
look increasingly likely to vote down
a tentative new contract presented
to them for approval earlier this
month.

Multiple sources close to

Management: also indicate...

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Multiple sources close to developments also indicate it may not even be close.

One flight attendant who has been polling fellow F/As said the "no" vote could be overwhelming. "Seems that sentiment is 9/1 against this tentative contract," said the source.

One unscientific straw poll had 345 flight attendants voting "no," 8 for "yes" and 12 "undecided."

Noted another Southwest flight attendant: "The number of flight attendants coming out publicly at work, in F/A lounges and through social media, email, text, wearing black ribbons under their union pins, displaying their "no" vote on their luggage tags, etc., has been large and widespread throughout our flight attendant rank and file."

Yet another Southwest flight attendant said the likely news of Southwest's record profits on Thursday could seal the rejection of the contract among even those Southwest flight attendants who are still on the fence about which way to vote.

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Online voting closes at 12 noon central time on Friday, and the results of the vote are expected to be announced to rank and file at 6 p.m. the same day.

Even some members of the team of so-called educators who have fanned out across the Southwest system in recent days to sell flight attendants on the new contract concede the outcome of the vote could go against Southwest CEO Kelly and the tentative contract the airline's top executive wants to see ratified.

For many flight attendants, two of the biggest issues in the proposed contract are the longer duty day (up from 10.5 to 12 hours) and new vacation rules.

But many flight attendants also argue the Southwest company culture has changed dramatically in recent years, and not for the better since Kelly took control of the company. Those sentiments may factor into the vote outcome as well. If flight attendants vote down the

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If flight attendants vote down the tentative contract, negotiations will start from scratch again, even after it took two years to get the tentative contract now up for approval. Rank and file FIAs also may push for the Local 565 executive board to be recalled and a new board put in place before contract negotiations start once more.

Southwest's more than 13,500 flight attendants, including more than 1,800 domiciled in Chicago, are the largest single group of unionized workers employed at the heavily-unionized carrier.

If the flight attendants vote down the tentative new contract, that means Southwest CEO Kelly still will have to deal with four of his largest and most important worker groups who have been trying to get new contracts for years — flight attendants, mechanics, ramp agents and pilots. Southwest has its largest hub at Chicago's Midway Airport.

RECALL RECALL RECALL each

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RECALL RECALL...RECALL each
and everyone one of YOU Traitors!!!



Well there is you MANDATE and the
Companies WE WILL NOT SETTLE
FOR ANYTHING LESS TGEN WHAT
WE ALREADY HAVE!! Record Profits
again released Yesterday as well!!!!
Who the heck do you think HELPS IN
MAKING THISE PROFITS. As far as I
AND MANY MORE FAs are
concerned you have no right to the
REST IF THE NT going back in to Try
and Sell us out again!!! I am praying
we get rid of all you and start from
scratch... You all did not work in the
BEST INTERESTS FOR all of us out

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scratch... You all did not work in the
BEST INTERESTS FOR all of us out
here on Line... I would love for all of
you to be back doing what you say
you represent OUR JOBS. You
DESERVE TO BE Recalled and sent
packing Audrey and it is
overwhelmingly being talked about.
NOW!! Sometime Prayers don't
happen over night but normally GOD
does destroy those who are Traitors
and you are a BIG ONE... Just look
at that number who voted and many
of them voted you in and are now
have VITERS REMORSE, and to think
you did all on your OWN. Have a
Great Day Audrey because I know
11,000 plus FAs are going to...

Lots of typos just so DARN Happy
that I am typing so FAST...

UPDATE: 1:50 p.m.: The TWU sent
out a press release announcing the
results, with this quote from TWU
Local 586 president Audrey Stone,

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results, with this quote from TWU Local 558 president Audrey Stoner: "Our membership has given us our marching orders. The terms of the tentative agreement were passionately discussed, debated and ultimately rejected by the employees. Democracy works best when members take an active role in their union."

REALLY AUDREY???? We all know how you all were trying your damndest to SELL this Garbage and you KNEW this was a BAD TA and if you didn't then you have NO BUSINESS REPRESENTING any of US!!!! You will not be able to SPIN YOURSELF OUT OF THIS NOR ANY OF THE OF THE NT Team Members!!!! We know where your loyalties STAND!!!!!! WE DON'T TRUST YOU 🍅

This is BULL PoopyDear Member, As reported today by the TWU Local 558 Board of Election, the

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This is BUFL PoppyDear Member,
As reported today by the TWU Local
556 Board of Election, the
Membership has voted to reject a
new six-year Collective Bargaining
Agreement. The Contract was
rejected by 87% of voting Flight
Attendants.

I appreciate the high voter turnout
and thank the 11,375 Flight
Attendants who voted. Democracy
works best when Members take an
active role in their Union.

We have much work to do on the
heels of this vote. First, we have to
conduct surveys and have dialogue
with the Membership around the
system to ascertain the best
approach on moving forward. We
must also discuss and re-prioritize
our key issues and Contract Articles
since the rejected Tentative
Agreement (TA) deal is now off the
table. Second, we cannot just
assume that Southwest Airlines
Management will give in to our

Charlene Carter | Local 556 President | 2021-2023

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Management will give in to our demands -- and we surely will not ever just give in to their demands. As a result, we have been developing a Contract action plan. We will need to mobilize our Members in very active ways. I will be calling upon each of you to get involved. Lastly, and importantly, we must continue to be the leading advocates for the well-known Southwest Airlines Culture. Our Membership must make sure that our special and successful culture is maintained, especially as our airline expands into the future. As I promised, regardless of the outcome of the vote, your Union leadership is fully prepared to move forward. Now that the voting has concluded and we start a new round of bargaining, it is imperative that we maintain our Unity as we go forward. This was a vigorously debated and discussed TA. This is a good thing. However, while we debated ideas, we should never debate the value of standing together as a strong and united Union. Let's move forward together as one TWU Local 556.

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United Union. Let's move forward together as one TWU Local 556

Thank you

Audrey Stone

TWU Local 556 President and Lead Negotiator... We are a Group who Overwhelmingly SAID NO to you and the Company!! YOUR Message to all of us is WEAK WEAK WEAK and has fallen on DEF EARS... We want all of you all FIRED and back on LINE like you should be... and we will make this happen, you all will not be negotiating our next TA... The Membership is really united in this... and we are united in this cause... Praying you all just RESIGN because that is the talk and it is LOUD!! YOU all are not our Leaders and you have proven that time and time again!

WE WANT YOU FIRED!!! All of YOU... I believe you will be getting an overwhelming amount of calls for it... and we all mean business!

yep... even the Delta Pilots Union!

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just one of many that I have been reading tonight... They all WANT YOU GONE TOO... THIS is GREAT NEWS TO ALL OF US who never trusted you to begin with... your supporters have turned... we will prevail.

Thank you Southwest Flight attendants for uniting and fighting back! WE CAN DO THIS! We are not crap we are ALL worth this and more... WE Deserve the best because we ARE the best! Stop allowing the brain washed ideas of well... its industry standard or well we have the leading industry contract or well we cant think like that that will never happen... Get rid of the negative and replace it with POSITIVE! We can ask for more money we can ask for better trips we can ask for better quality of life we can ask for scheduling to be more accountable about holding trips etc... there a lot of improvements we

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etc...there a lot of improvements we
can all make to get the LUY back and
as far as im concerned out of
RESPECT from Herb and Colleen
FORGET what that attorney said in
the union meeting! THIS IS STILL
THERE AIRLINE! because most of us
were here and experienced what was
always meant to be a happy loving
family place to work! its in my heart
and they can not touch that EVER! I
will carry on what was taught to me
the best i can because of HERB and
COLLEEN and all my senior manager
DAMN RIGHT I WILL!

Contract:
9916 - No
1446 - Yes
11,362 Votes
LET THE RECALL BEGIN!!!

Let's do this!!! 85% freaking voter
turnout!!! Are ya listening now
Audrey???

ARTICLE II OBJECTIVES

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ARTICLE II
OBJECTIVES

values shall be:

solid Union, regardless of race, creed, color, gender, sexual orientation
(affirm for membership)

collective bargaining without wage freezes and maintain health
(the conditions of employment for the workers in the industry)

Has anyone actually read the
bylaws? I know that the NT and EB
hasn't.

This second rate NT and EB (by their
vote), negotiated a sub standard
contract and failed to meet a key
objective from the bylaws.

It's simple, respond with your NO
vote.

I bet you and everyone else on the
EB and NT mail boxes are full of
letters calling for you all to
resign...we all want you OUT!!!

WOW...not resigning and then you
go on VACATION...well that shows
us all just how you DO NOT
REPRESENT US at all...I smell a

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WOW...not resigning and then you go on VACATION...well that shows us all just how you DO NOT REPRESENT US at all...I smell a RECALL coming...oh how fun this will be to watch!



Charlene Carter



Oh now I am LOVING these and look no 556 on them, just we the SWA

Charlene Carter

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no 555 on them, just we the SWA
FAs standing together United in put
JOBS and to getting a GREAT
CONTRACT that we all DESERVE!!!
Now don't try to sell us anymore
CRAP you are paid by all of us so
that means you take your Marching
Orders from all of us.... Not the other
way around Audrey.

I hear you are side stepping on
Financials ... HMMMMM I guess we
all need to see them since it is our
money!! This was posted for
tomorrow's meeting....you may want
to answer it and truthfully. People are
getting a great picture of what you
all are all about at these meetings!!
The Arrogance is UNBELIEVABLE..
people want all of you GONE and
they are signing the RE-CALL at a
tremendous amount..this RE-Call
just may work....here is what they are
saying about your Neglect on the
money issue....you better remember
WE PAY you Paycheck Miss

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Monday issue....you better remember
WE PAY you Paycheck Miss
President!!

Here is just one of the things they
said about you.... HOW does a
Pres, not know the costs of the
educators in longes; the pamphlets,
phone messages, videos (she made),
TWO years negotiations-- along with
NT's salaries & perks along the
way-- it should all be in the
treasurer's books. Yes?? How can a
Pres say she is unaware of those
numbers? Just ask her to LOOK at
those costs and tell the membership:
Like you say, it's OUR money, I too
would like to know how you claim
you do not know...all you have to do
is ask for the numbers from your
Treasurer and I am sure you know it
any way....or at least you should
since you are the leader miss
president!!

Here is another one I found; anyone
else going to the MDW meeting
tomorrow.. please pay very close

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Tomorrow - please pay very close attention to the Financial Report! Specifically the Investment Funds! We missed it at the DAL meeting (I'm embarrassed to say) but Chris didn't at the BWI meeting. The Financial Treasurer was NOT at the DAL meeting and we were told we would have to ask him why he wasn't in attendance! I'm not sure if he's been in attendance at any meetings so far??? Also we pressed for a cost of the failed TA and AS said she didn't have that information! Keep in mind in 2012 the opposing group used the \$500,000 that was transferred from the investment accounts in 2012 to fuel a recall against Stacey M., Chris and Jerry L. I was at that meeting when they were so outraged about that transfer of funds and all but said the money was stolen and then used that rumor actually that LIE to build momentum to remove the duly elected Officers. And here we are! Now if that doesn't convince you the Board Room at Brookriver Dr. needs to be swept clean...take YOUR UNION back it belongs to you and its

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to be swept clean.. take YOUR
UNION back it belongs to you and its
YOUR MONEY!

YOU are a CROOK Miss Stone....The
President Audrey Stone is being
vague on purpose
If she says nothing YOU can't pin her
down. They are just smart enough to
be dangerous

Had to share this....I am watching
you totally discredit yourself in a
Very BIG WAY!! This was posted
from a Flight Attendant that
supported you last go around...oh
how the TUNE has changed!!

Recall Petition continues to gain
ground, especially after each
meeting...this president continues to
tell half truths and flat out refuses to
answer questions...plus the fact that
our investment accounts were
cashed in to pay bills for the TA and
now they are moving to a new

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now they are moving to a new location and yet nothing has been told to the membership about these developments!! RECALL ON! Just a few reminders for the naysayers... 1. This is a recall not a removal which will force a reelection allowing all eligible flight attendants to run for office. 2. The merits for the recall are in the bylaws, specifically Bylaws Objectives Article II (b) To establish through collective bargaining adequate wage standards and retirement benefits, shorter hours of work and improvements in the conditions of employment for the workers...

They failed this Article II (b) in a very big way! This TA did not bargain for adequate wage standards (the proposed wage increases was less than adequate) and they bargained for LONGER HOURS OF WORK instead of shorter hours of work...that's enough for removal but we chose to go for a recall to force another election...

When you are faced with ta's who are against this recall or are just

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When you are faced with fa's who are against this recall or are just plain ignorant of the facts, please remind them of this bylaw Article!! And please add that the DEBM's who are so loved by many voted yes on this TA...they deserve to be forced to run again and be elected again if they are so great!
RECALL ON!!!

And everyone is passing it on and on!!!!

ferminum so this is what the new NT that you appointed to your already Morally Bankrupt NT Team said about our work GROUP during the vote of the first Crappy Offer you brought to all of us...REALLY Audrey you are so transparent with your hate for our work group and your alignment with our Company and Management!!! Her words. Here is a quote she liked: "get paid more than policemen, firefighters,

SWA000667

< Home Charlene Carter
 Document 183-1 Filed 09/09/21 Pa

Here is a quote she liked: "get paid more than policemen, firefighters, teachers and every other flight attendant in the country. We work three days a week. We have the best Contract in the industry. The level of greed and entitlement around here is absurd!!" ENOUGH SAID ABOUT THE NEW NT MEMBER!

RECALL ON... and Pray we send you Packing before you can damage our JOBS anymore!!!!

We all want you all GONE out of Office!! We do not trust you ONE BIT!!!!!! Boy it sure is clear you all are not liked one bit even AT Flight Attendants are sorry you all are their Leaders!!!! YOU GET Payed by US you WORK for US not the company!!! Here is just one of the messages I read today.... and there are way more than this one.... Here is my marching orders to the e.b. And 2 of the remaining original negotiators Brett and Bill H. And my first answer.

SWA000668

Document 183-1 Filed 09/09/21 Page

the remaining original negotiators Brett and Bill H. And my first answer to "Change" on the survey RESIGN please effective immediately. As I was also reading the unity magazine it's clear how out of touch the (a.b.) reading Audrey article on how basically she thought management and the union were buddy buddy. It was clear they worked together in the contract to screw us over for the next 20 years. Time to go back "online" and pass out peanuts and cokes like the rest of us hard working folks. I'm not buying into the peace and love approach they keep trying with us. I'm tired of hearing stupid catch phrases "buckle up", "prepare for take off and landing", "we're on final approach", and "we are about to land this contract!"

We are all DONE with all of YOU!!!!!!

SWA000669



I see these Recall tags
Everywhere!!!! I believe it's getting
CLOSE🤔🤔🤔🤔🤔🤔🤔

Just Saw this....it is one of the best
for today!

Can I just say how embarrassed I am

SWA000670

Can I just say how embarrassed I am about our union representation? It's pathetic. It's like high school. Oh, let's send a bunch of pens to make a point. It's asinine. Childish stunts like that are not how you deal with the CEO of a multi-billion dollar corporation.

Hey, EB/NT, you know why you haven't heard anything back from GK? He is an adult. An adult who doesn't have time to indulge in playground games. If you really want to know how to negotiate with a multi-billion dollar corporation, watch SWAPA. If TWU556 actually gave a crap about the membership, they would be aligning themselves as tightly as possible with SWAPA. I'm tired of this cutesy, cartoonish BS. There are approximately 15,000 flight attendants, who have families and/or bills to pay. You brought us a **HUGELY** concessionary TA, as your Best. Now, you're following it up with childish stunts. Grow up and get serious. Start acting like you represent college educated adults.

SWA000671

< Home

Charlene Carter

Document 183-1 Filed 09/09/21 Pa

serious. Start acting like you represent college educated adults instead of Mrs. Smith's kindergarten class.

To all of you that support TWU556's "leadership", remember in just a few short months, it will be a year since the failed TA. What have they done since? Taken a lot of personal vacations, for sure, but have they earned your money? No. They have only done two things, slapped together some ridiculous proposal and sent GK a bunch of pens and put out another survey that they won't listen to. Meanwhile, SWAPA, is doing informational picketing, making commercials, and really seems to be concerned with their memberships livelihood and well being. I WISH my union represented me.

Just flew with another Flight Attendant that is carrying the RECALL Petition We are almost there

SWA000672

< Home

Charlene Carter >



Document 183-1 Filed 09/09/21 Pa

07/20/2021 10:10

Like it or not, professional appearance matters. They have this, we have that



1 Like

1 Comment



Wow just another great one I found this morning and it is SO TRUE!!!

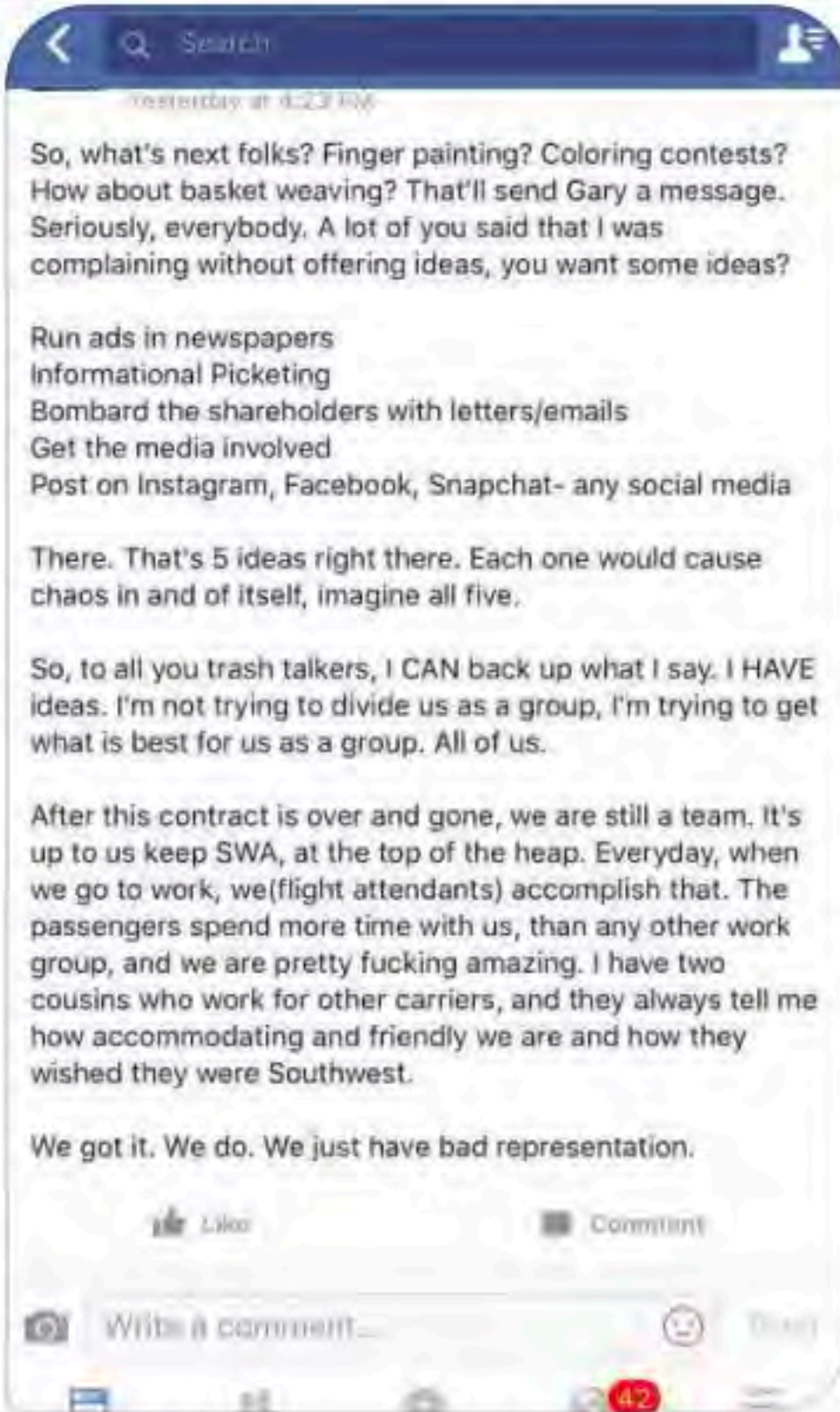


SWA000673



< Home

Charlene Carter >
Messenger



Well one more for the day... Just found this🤔



We want you all GONE😡and it is just a matter of time!! Thank GOD

05/03/2016, 17:23

WOW....have you read this article....WE will make this happen!!! So Close....cant wait to se you

Type a message...

Aa



SWA000674

 Home


Charlene Carter >
Messenger



05/03/2016, 17:23

WOW....have you read this article....WE will make this happen!!! So Close....cant wait to se you removed!!!

Even as Southwest Airlines (NYSE: LUV) flight attendants union president Audrey Stone presses on to get a new labor contract for the group, a band of upset flight attendants said late last week that they also are pressing on with efforts to recall Stone and 12 members of the the union's executive board. Southwest has its largest hub at Chicago's Midway Airport. A source close to the so-called "Recall556Now" movement said the group was "so close" to getting the required number of signatures on a petition that would set the recall in motion. More more than 4,000 signatures are believed to be affixed to the petition at this juncture.

 Chicago Business Journal....Cant WAIT!!!

Type a message...





This growing day by day....just a clever way to see some of the faces of the RECALL....We are getting so CLOSE it makes me Dance and my Daughter Hannah do the Happy Dance together....yup even my 12 year old gets it that you all are Corrupt and do not serve the Membership well....she may even be a future Litigator against Unions one day....her Hero is Melissa Smith who happens to be her God Mother....hmmmm wonder if you remember her....I know Mr. McDaniel

SWA000676

< Home

Charlene Carter

Document 183-1 Filed 09/09/21 Pa

Mother...hmmmm wonder if you remember her...I know Mr. McDaniel does and to think he is or at least was your mentor...EVIL attracts EVIL...so very SAD to know you went down that path too...but the Membership is finally waking up after all these years that have passed since Melissa Smith...they are seeing the Connection to the Corruption and it hasn't changed one BIT with you! RECALL is Coming.. praise GOD!

This is what I call TRUE UNITY...and Flight Attendant at a time!

So where is our Union on this??? Just another reason we want you and TWU GONE!!! every last one you are INEPT to Work For Us Flight Attendants The Recall WILL HAPPEN



SWA000677

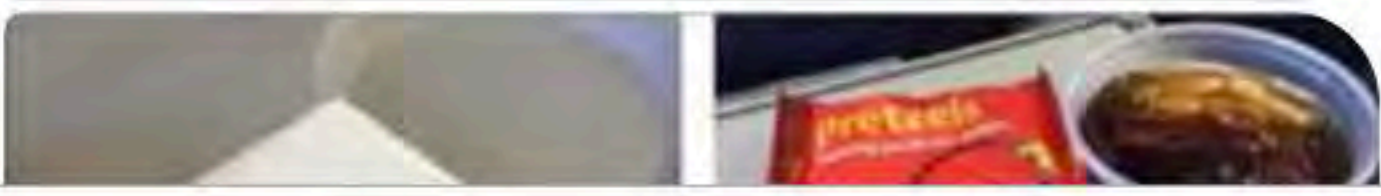
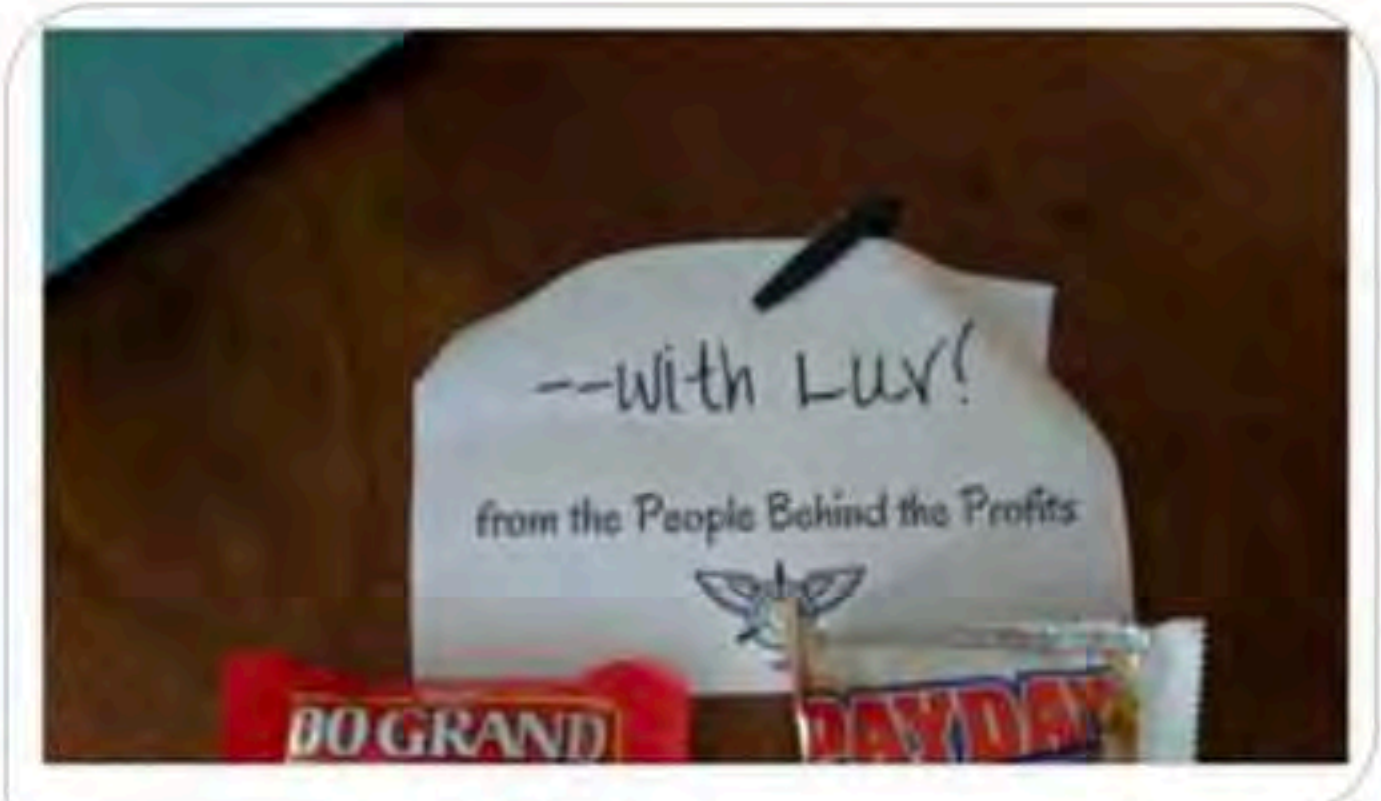


Southwest Pilot Tensions Flare Anew Over Arrival of 737 Max Jets

Southwest Airlines Co. pilots, frustrated after four years of unsuccessful contract talks, asked the carrier to guarantee it won't force them to fly Boeing Co.'s newest 737...
bloomberg.com



06/08/2016, 13:09



< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa



Wow all I can say is you should be FIRED along with the others on the Board who did this!!! So Un-Professional and Childish our Pilots are doing things Right but you all are a Disgrace

This Just added more Fuel to the RECALL

SWA000679

< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa

This is my question as well: So here's food for thought: if Audrey is defending her actions in lgb and feels they did nothing wrong, then why did she say they made sure the probationary flight attendant didn't touch the napkins and had no part of it?? If you did nothing wrong why take those precautions? (Although I'm glad the new girl wasn't involved)

We WANT YOU DONE!!! This is helping in a BIG WAY to get the Recall Finished🙏🙏🙏🙏thanks for the help!

Well looks like Brett or Cylar can't THREATEN anyone ANYMORE for saying the word Decertify🙏🙏🙏🙏 you all WORK for US not the other way around!



SWA000680

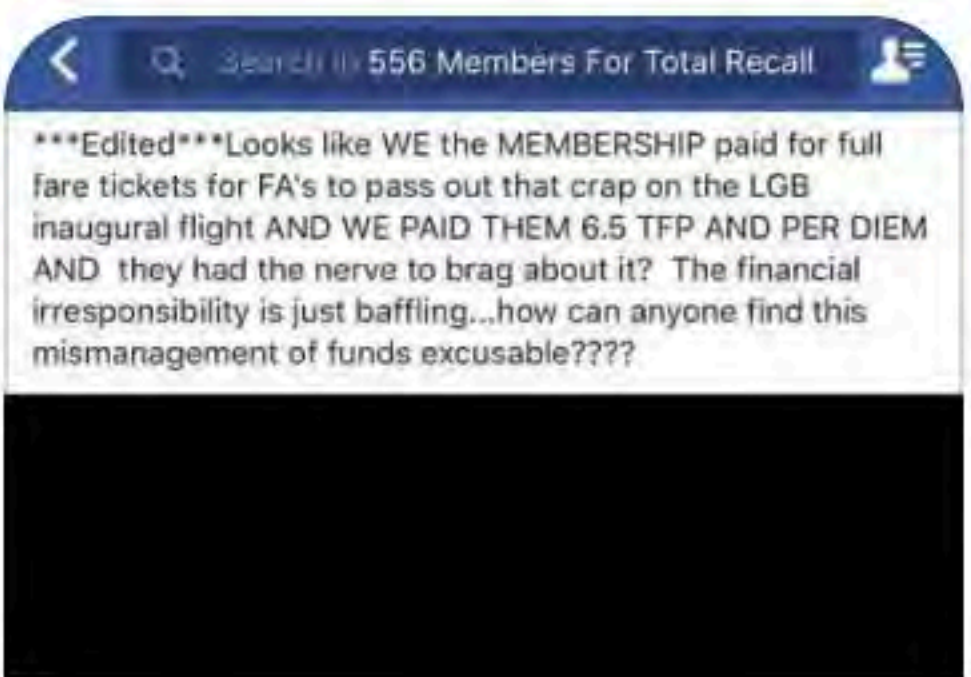
Well looks like Brett or Cylar can't
THREATEN anyone ANYMORE for
saying the word Decertify😂😂😂😂
you all WORK for US not the other
way around!



NLRB smacks down union for threatening worker | Fox News

A New York City union violated federal labor law when it threatened to sue members petitioning to withdraw their membership.

foxnews.com

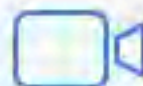


Type a message...

< Home

Charlene Carter >

Messenger



Oh and here is another helper in the RECALL for all of us on line.... You USED OUR MONEY TO BUY TICKETS to do your Disputable Work on the FLIGHT!!!! You are so CORRUPT....



07/12/2016, 10:51

Well, I got the Propaganda that International and now our Local on who to VOTE FOR....You all can Shove Every bit of it where the sun does not shine because I will never VOTE for Hillary Clinton EVER!!! I have a family member who worked for the Military and flew these guys around and HILLARY LEFT THEM TO DIE!!! You are as Corrupt and EVIL as she is!!! My whole family plus 99% of my friends are votina

Type a message..

Aa



SWA000682

Home Charlene Carter
 Document 183-1 Filed 09/09/21 Pa

EVIL as she is!!! My whole family plus 99% of my friends are voting TRUMP and that includes friends at SWA...so take your Hillary CRAP and SHOVE IT!!!!



Kris Paronto added a new video.

Whether it's her antics or Benghazi, some things don't change. Hillary Clinton pulls Ameri...

1 day ago

This is what you supported during your Paid Leave with others at the Women's MARCH in DC...You truly are Despicable in so many ways...by the way the RECALL is going to Happen and you are limited in the days you will be living off of all the CHASE E&P...
 CHASE E&P...
 CHASE E&P...
 CHASE E&P...

SWA000683

Charlene Carter >

Document 183-1 Filed 09/09/21 Pa

This is what you supported during your Paid Leave with others at the Women's MARCH in DC... You truly are Despicable in so many ways... by the way the RECALL is going to Happen and you are limited in the days you will be living off of all the SWA FAs...cant wait to see you back on line.

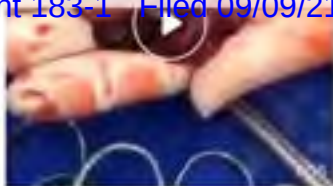


Samina Shah added a new video.

An alleged abortion was sent into the abortion

SWA000684

Home Charlene Carter Document 183-1 Filed 09/09/21 Pa



Samina Shah added a new video.

An aborted baby alive even after the abortion.
This is the reason abortion is murder and Hara..

Samina Shah

100% 12/11/21

TWU-AFL-CIO and 556 are
supporting this Murder...



My Page - My Opinions added a new
video: Abortion.

#Democrats - This is what you support! If its...

SWA000685

Home Charlene Carter
Document 183-1 Filed 09/09/21 Pa

video: Abortion.

#Democrats - This is what you support? #B...

My Friend My Democrat

Did you know this...Hmmtttt
seems a little counter productive
don't you think...you are nothing
but a SHEEP in Wolves Clothing or
you are just so un-educated you
have not clue who or what you were
marching for! Either way you should
not be using our DUES to have
Marched in this despicable show of
TRASH!



WHDA: Look where Women's
March organizer just showed up

Wash. friends like that...

My Friend My Democrat

SWA000686

< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa

Did you all dress up like this... Wonder how this will be Coded in the LM2 Financials... cause I know We Payed for this along with your Despicable Party you hosted for signing the Contract....The RECALL is going to Happen we are even getting more signatures due to other FAs finding out what you guys do with our MONEY!!! Cant wait for you to have to be just a regular FA again and not Stealing from of our DUES for things like this!



Im sure Lefty's like this will make America take feminism more seriously
Lori O'neal

SWA000687

< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa

You and TWU should really know your History as well when it comes to the King Family... Dr. Martin Luther Kings Niece... he would have never MARCHED for Pro-Life he was a Baptist Minister, nor did he support the Violence the LEFT and you support.



Unborn Civil Rights (@alvedaking) | Twitter

The latest Tweets from Unborn Civil Rights (@alvedaking): @AlvedaCKing is the Director of Civil Rights for the Unborn, the African American Outreach of LifeWatchers, Inc. Atlanta...

1 hour ago

Get Educated... because you sure are showing your ignorance!

SWA000688



are showing your ignorance!



Since God gave us reason as we are using the key of nonviolent conflict resolution to resolve our differences. americanunitedgod.com

Alveda King

This is from Alveda King in regards to her Uncle Dr. Martin Luther King... READ <http://www.priestforlife.org/king-planned-parenthood-1-8>

Click on the Link



SWA000689

< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa

Click on the Link



My Yarnopolis http://
www.priestforlife.org/
afficanamericanking-planned-
parenthood-1-8.pdf

Arana King

[http://www.priestforlife.org/
king-planned-parenthood-1-8-](http://www.priestforlife.org/king-planned-parenthood-1-8.pdf)

[king-planned-p...nthood-1-8.pdf](#)

Just to let you know I just Sent more
money to the RIGHT TO WORK
Org...I support them 110% about my
hard earned DUES I send you all to

SWA000690

< Home

Charlene Carter



Document 183-1 Filed 09/09/21 Pa

10/10/2020

Just to let you know I just Sent more money to the RIGHT TO WORK Org... I support them 110% about my hard earned DUES I send you all to assist! So stop sending me your Crappy Union Propaganda... I can think for myself... just like I did during the Election... VOTED for TRUMP-PENCE and guess what THEY WON!!!!



10/10/2020



SWA000691





Best President we have had since Reagan! Thank GOD you and the other Union/Socialist didn't get your Gal Hillary Clinton elected... but you all sure did do your best with all the Propaganda you and TWU-AFL-CIO wasted with OUR Dues Money putting out! Just meant we all had to WORK HARDER in getting the Truth Out... just like we are doing with the Recall! more people signing up to remove you!!!! NOW that's a win... and you will be removed and we will get to VOTE in new leadership... that day is sooner than you thing Miss Stone.

SWA000692

EX. 5

From: Audrey Stone
Sent: Wednesday, February 22, 2017 8:51 PM CST
To: Suzanne Stephensen
CC: Naomi Hudson; Sonya Lacore
Subject: Complaint - contains graphic images

Dear Suzanne,

Below you will see Facebook messages that were sent to me last week by Southwest Airlines Flight Attendant Charlene Carter. It is in regards to a TWU Local 556 Women's Committee meeting that I participated in last month, and a march that I voluntarily participated in a few days later. Up until December I chaired our TWU Committee, which works with TWU International to collectively help build future women leaders and address women's issues.

The messages contain two graphic videos of an alleged aborted fetus and make references to murder as well as political and religious comments. The first two are the actual messages she sent me, and the bottom two are the links that they came from.

I found the messages to be incredibly disturbing and believe it to be a violation of the social media policy. I find it obscene and violent, as well as threatening in nature. I also believe it is a violation of the Workplace Bullying and Hazing policy, under cyber bullying. Further, I believe the references to religion are a violation of the Harassment Policy. Charlene doesn't know me, or my religious views. I also believe it violates our work and conduct rules under Class II.3. as well as Class IV.6&7.

While I hold a current position within my Union, I am a Southwest Airlines Employee first and foremost. I have made clear that I will not be seeking re-election, and am now fearful to return to my job as a line-flying Flight Attendant due to repeated personal attacks and threats made both via social media as well as altercations that have occurred face to face while I've been on a Southwest Airlines plane. I can't and won't continue to be disrespected as an Employee of Southwest Airlines, or as a human being.

Should you need further information, please let me know. I did not know how to attach the videos themselves from Facebook to an email which is why they are only screenshots. The photos don't do justice to the awfulness of the videos. I also blocked her until I realized that I could no longer access the videos, and until this complaint is investigated, I wanted to be able to have them as evidence. She has continued to send me messages since these but I haven't opened them.

I can't "unsee" these images, and I was waiting to board a flight on us when I logged in and saw them. I sat in the gate area alone and cried, and had to contact a close friend to even pull myself together enough to board the flight.

I am personally pro-choice, and to be sent messages that reference me as a "murderer" couldn't be further from the truth. However, I believe in equality and individual rights, and will continue

CONFIDENTIAL DOCUMENT

SWA004226

EXHIBIT NO. 3

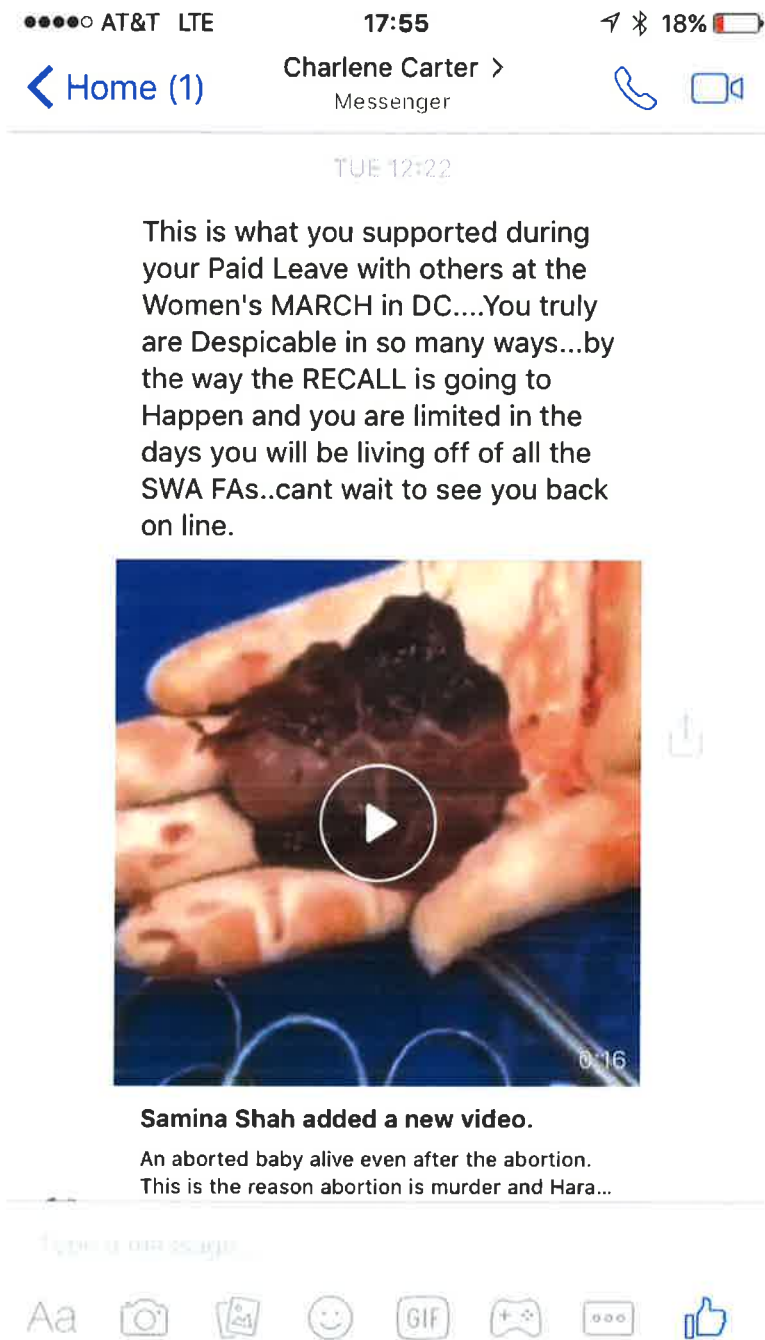
App.105

to support causes and events that promote the fundamental rights I believe every human being should have.

Thank you for addressing this very upsetting matter. I've had the above drafted and it had taken me days to be able to hit "send." It's taken me a week wrestling with the decision. I've spent my career protecting and defending our Flight Attendants, but I realize I must also protect myself and the job I have at Southwest.

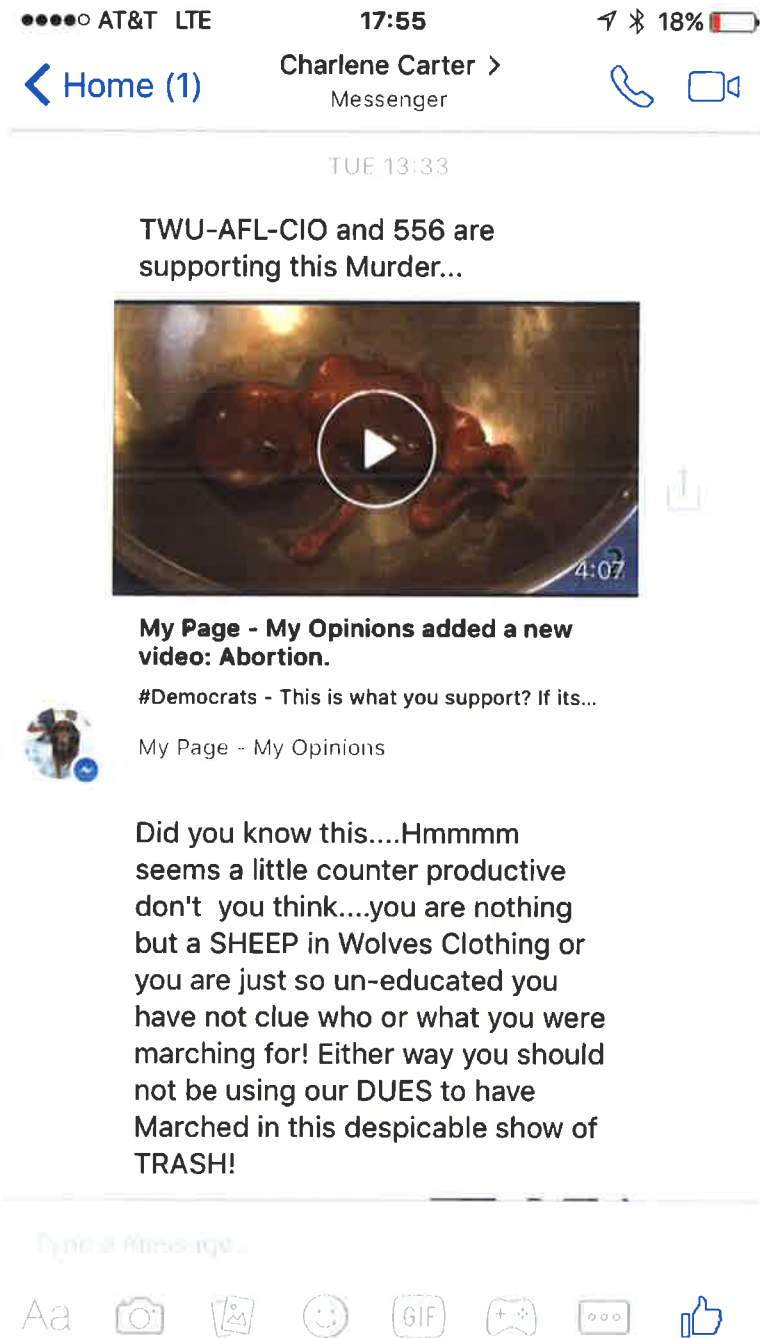
CONFIDENTIAL DOCUMENT

SWA004227



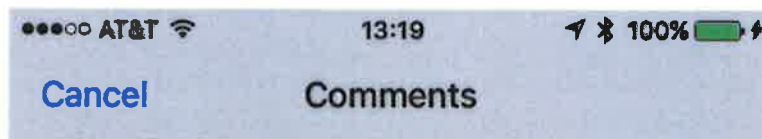
CONFIDENTIAL DOCUMENT

SWA004228



CONFIDENTIAL DOCUMENT

SWA004230



My Page - My Opinions

February 4 at 8:08pm

#Democrats - This is what you support? If its your body your choice, who is this laying in the fucking bowl? It doesn't looks like your body. #evil #murder #ownit #abortion



Like



Comment



Share



1K

3,915 Shares

 [View previous comments...](#)



My Page - My Opinions

Just so you all know, this has been reported and it is not a violation. Stop trying this dousche tried



Sincerely,

Audrey Stone
#74952

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited and subject to legal action. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

CONFIDENTIAL DOCUMENT

SWA004233

EX. 6

Southwest Airlines Co.
 Ed Schneider
 Base Manager-DEN
 7640 Undergrove Street, Unit E
 Denver, CO 80249
 303-214-2354



March 14, 2017

CERTIFIED MAIL: 7015 3010 0000 2338 3356

Charlene Carter
 6582 S. Queensburg Ct.
 Aurora , CO 80016

Dear Charlene,

On March 7, 2017, a fact-finding meeting was held with you to discuss certain messages and videos you posted on your Facebook page and sent to another Southwest Employee through Facebook Messenger. Present at this meeting were you, TWU Representative Chris Sullivan, Senior Employee Relations Investigator Denise Gutierrez, Inflight Senior Human Resources Business Partner Edie Barnett, Inflight Assistant Base Manager Meggan Jones, and me.

During the meeting, you admitted you posted graphic videos of aborted fetuses on Facebook and sent those same videos in a private Facebook message to another Southwest Flight Attendant. You also admitted to sending the Flight Attendant a private message containing a picture of individuals wearing costumes depicting the female genitalia. You agreed that the pictures and videos were graphic.

Charlene, when you posted the graphic videos and pictures on Facebook, you were identifiable as a Southwest Airlines Employee and represented our Company in a manner that is disparaging to Southwest Flight Attendants as well as to all Southwest Employees. These Facebook posts were highly offensive in nature, and the private messages you sent to the above-mentioned Employee were harassing and inappropriate. Although your posts and messages may have been made and/or sent outside of work, Southwest is obligated to address such conduct given its impact on the workplace. After considering all information gathered in my investigation, as well as the information presented in your fact-finding meeting, I have determined that your conduct is in direct violation of the Southwest Airlines Mission statement and the following Company Policies/Rules including but not limited to:

- **Workplace Bullying and Hazing Policy**
- **Social Media Policy**

Your conduct could also be a violation of Southwest's Policy Concerning Harassment, Sexual Harassment, Discrimination and Retaliation. Accordingly, your employment is terminated effective March 16, 2017. Please return your Badge, Flight Attendant Manual, eFam, charger, and OHB key to the DEN office immediately at the address above. You will receive your final paycheck via direct deposit.

Respectfully,

Ed Schneider

Copy To: Sonya Lacore
 Mike Sims
 Dave Kissman

Carter

EXHIBIT

0001

EX. 7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER)
) CIVIL ACTION NO.
VS.) 3:17-CV-02278-X
)
SOUTHWEST AIRLINES CO., AND)
TRANSPORT WORKERS UNION OF)
AMERICA, LOCAL 556)

CONFIDENTIAL 30(b)(6)
VIDEOTAPED DEPOSITION OF
MICHAEL SIMS
NOVEMBER 2, 2020

ANSWERS AND DEPOSITION OF MICHAEL SIMS,
produced as a witness at the instance of the
Plaintiff, taken in the above-styled and -numbered
cause on NOVEMBER 2, 2020, at 9:06 a.m., before
CHARIS M. HENDRICK, a Certified Shorthand Reporter
in and for the State of Texas, witness located in
Midlothian, Texas, County of Ellis, pursuant to the
Federal Rules of Civil Procedure, the current
emergency order regarding the COVID-19 State of
Disaster, and the provisions stated on the record
or attached hereto.

1 concluded the fact-finding meeting on Ms. Carter's
2 grievance?

3 A. Not that I remember, unless I had a quick
4 conversation with Ed Schneider.

5 Q. Okay.

6 A. Just to -- to get his point of view.

7 Q. Okay. So in reaching -- do you recall
8 when you reached the final decision that her
9 termination was just?

10 A. I believed it was just after we met, so it
11 would have been within that day of our meeting.

12 Q. Okay. And at -- at some point, did you
13 decide to provide Ms. Carter with a last-chance
14 agreement?

15 A. That is correct.

16 Q. And did someone tell you that you -- that
17 you should offer her a last-chance agreement?

18 A. No.

19 Q. And did anyone recommend that you should
20 provide her with a last-chance agreement?

21 A. No.

22 Q. If you believed that her termination was
23 just, why did you offer her a last-chance
24 agreement?

25 A. I offered her a last-chance agreement for

1 practical reasons. This dispute had gone on and it
2 was going to continue to get uglier, and at a great
3 cost to everyone. So I decided that I had the
4 authority to offer a last-chance agreement to
5 reinstate her employment, as she told me she wanted
6 to come back as a flight attendant.

7 Q. You did not have to get permission from
8 anyone to offer her a last-chance agreement?

9 A. No.

10 Q. And did you say that you felt that this --
11 that the dispute could get uglier?

12 A. Yes. I just thought, at that point, I
13 could put this all to rest. Because, ultimately,
14 she indicated to me she just wanted her job back.

15 Q. And what -- what do you mean by the
16 dispute could get uglier?

17 A. Well, there were disputes, and this is all
18 encompassing the times at that point. And so I --
19 I -- I sensed that Ms. Carter was in conflict with
20 TWU 556 and she was conflict with Audrey Stone.

21 Q. And when you say -- I -- I'm probably not
22 going to quote you exactly in -- in your precise
23 words, but when you -- you referred to the -- the
24 times -- that the sign of the times or the nature
25 of the times, what do you mean by that?

1 REPORTER'S CERTIFICATION
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF TEXAS
4 DALLAS DIVISION
5 CHARLENE CARTER)
6 VS.) CIVIL ACTION NO.
7) 3:17-CV-02278-X
8)
9 SOUTHWEST AIRLINES CO., AND)
10 TRANSPORT WORKERS UNION OF)
11 AMERICA, LOCAL 556)

12
13 -----
14 CONFIDENTIAL 30(b)(6)
15 DEPOSITION OF MICHAEL SIMS
16 NOVEMBER 2, 2020
17 -----

18 I, CHARIS M. HENDRICK, Certified Shorthand
19 Reporter in and for the State of Texas, do hereby
20 certify to the following:

21 That the witness, MICHAEL SIMS, was by me
22 duly sworn and that the transcript of the oral
23 deposition is a true record of the testimony given
24 by the witness.

25 I further certify that pursuant to Federal
Rules of Civil Procedure, Rule 30(e)(1)(A) and (B)
as well as Rule 30(e)(2), that review of the
transcript and signature of the deponent:

____xx__ was requested by the deponent and/or a
party before completion of the deposition.

1 _____ was not requested by the deponent and/or
2 a party before the completion of the deposition.

3 I further certify that I am neither
4 attorney nor counsel for, nor related to or
5 employed by any of the parties to the action in
6 which this deposition is taken and further that I
7 am not a relative or employee of any attorney of
8 record in this cause, nor am I financially or
9 otherwise interested in the outcome of the action.

10 The amount of time used by each party at
11 the deposition is as follows:

12 Mr. Gilliam - 6:50 hours/minutes

13 Mr. Correll - 5 minutes

14
15 Subscribed and sworn to on this 12th day
16 of November, 2020.

17

18

19

20

21

22

23

24

25

Charis M. Hendrick

CHARIS M. HENDRICK, CSR # 3469
Certification Expires: 10-31-21
Bradford Court Reporting, LLC
7015 Mumford Street
Dallas, Texas 75252
Telephone 972-931-2799
Facsimile 972-931-1199
Firm Registration No. 38



EX. 8

Southwest Airlines Co.
Melissa Burdine
Manager Labor Relations
Southwest Airlines Co.
2702 Love Field Drive
Dallas, TX 75235
PH: (214) 792-2560
FAX: (214) 792-3992



April 17, 2017

Beth Ross
Grievance Specialist
Transport Workers Union Local 556
8787 N. Stemmons Freeway, Suite 600
Dallas, TX 75247

PRIVILEGED & CONFIDENTIAL REINSTATEMENT SETTLEMENT AND LAST CHANCE AGREEMENT

Re: Grievance #24-714 (Co. # 6906) #38690 Charlene Carter

This Confidential Last Chance Agreement ("Agreement") is made and entered into by and between Ms. Charlene Carter, the Transport Workers Union Local 556 ("TWU" or the "Union"), and Southwest Airlines Co. ("Southwest" or the "Company") (collectively, the "Parties").

You were terminated effective March 16, 2017, and a related grievance is currently in the grievance process. The Company is willing to reinstate your employment as a Southwest Flight Attendant based upon your compliance with the provisions of this Privileged and Confidential Reinstatement Settlement and Last Chance Agreement ("Agreement"). Failure to meet any of these provisions will be considered a breach of this Agreement and may result in termination of your employment.

- The Company will reinstate you, the Grievant, Charlene Carter, as a Denver-based Flight Attendant with no loss of seniority.
- You will receive no back pay.
- Your termination will be reduced to a 30-day Suspension beginning March 16, 2017 through and including April 14, 2017.
- Upon your termination, you were paid 131.25 TFP of accrued 2017 vacation and 33.75 TFP of accrued 2018 vacation. If you would like the vacation days returned to your account, you must submit a Cashier's Check for 105 TFP.
- Any record improvement will be delayed a period of time equal to the time from termination until execution of this Agreement or the end of 30-day Suspension, whichever is greater.
- In exchange for the consideration described above, you will sign the settlement agreement attached hereto as **Exhibit A**, which has the primary purpose of releasing legal and contractual claims against Southwest and related parties.
- In addition, you are required to comply with all Company policies and procedures. Any future violation of the Southwest Airlines Workplace Bullying and Hazing Policy, Social Media Policy, or Harassment, Sexual Harassment, Discrimination and Retaliation Policy will result in termination.
- Prior to reinstatement, you will be required to meet with Inflight Operations Director Mike Sims or his designee at Southwest HDQ, or a location of Mr. Sims' choosing. This meeting will be uncompensated.
- This Agreement will remain in your file for 24 months from the date of the execution of the Agreement.
- As a condition of reinstatement, you may be required to complete and pass a criminal history records check as deemed necessary by Southwest Airlines.
- Upon completion of the reinstatement process and receipt of SWA Crew ID, you must contact Crew Planning within 48 hours to have a line built.
- The grievance regarding your termination will be withdrawn/dismissed.
- In consideration of the Company's agreement to these terms, Grievant agrees to release, dismiss, and forever discharge Southwest from all existing claims, liabilities, demands, and causes of action for which she may have a claim against Southwest arising out of the discipline issued including, but not limited to, claims arising under federal, state, or local laws prohibiting sex, race, age, national origin, disability, or

Carter

EXHIBIT

0006

any other form of discrimination or retaliation, claims under the Family Medical Leave Act (FMLA) and claims alleging any legal or equitable restrictions on Southwest's right to issue discipline in this matter.

This agreement is made to compromise, terminate, and constitute an accord and satisfaction of all the claims released by this Agreement. It is agreed that neither Southwest nor the Grievant admits any liability, fault, or wrongdoing alleged or which could be alleged by Grievant or the Union regarding discipline.

The terms of your reinstatement are made on a **non-precedent and non-referral** basis and are to be kept **confidential**. Neither you, the Union, nor designated representatives may reference or use your reinstatement or any part of this Agreement as evidence in a future proceeding.

Charlene, our goal is to assist you in succeeding at being a productive Employee with Southwest Airlines. As always, if you have any questions regarding the application of any Southwest policies or rules, please contact a Southwest Leader as soon as possible for guidance/clarification.

Respectfully,


Melissa Burdine

BY SIGNING BELOW, YOU ACKNOWLEDGE THAT YOU HAVE READ THIS AGREEMENT AND FULLY UNDERSTAND ITS TERMS, AND THAT YOU ENTER INTO AND SIGN THIS AGREEMENT KNOWINGLY AND VOLUNTARILY, WITHOUT DURESS OR COERCION OF ANY KIND, AND WITH THE INTENT OF BEING LEGALLY BOUND BY THE AGREEMENT.

ACKNOWLEDGED AND AGREED:

Charlene Carter

Date

Becky Parker, TWU Local 556

Date

EXHIBIT A
CONFIDENTIAL SETTLEMENT AGREEMENT
AND RELEASE OF CLAIMS

This Confidential Settlement Agreement and Release of Claims ("Agreement") is made and entered into by and between Charlene Carter ("Claimant") and **SOUTHWEST AIRLINES CO.** (the "Company").

Claimant has asserted claims against the Company alleging wrongful termination.

Claimant and the Company have agreed to compromise and settle all claims asserted by Claimant against the Company arising out of or related to Claimant's employment with the Company and/or separation from employment with the Company.

In order to settle and finally resolve all disputes and claims, known and unknown, that have been asserted by Claimant or that could have been asserted by Claimant against the Company, Claimant and the Company agree as follows:

1. In consideration of Claimant's execution of this Agreement and agreement to be legally bound by its terms, the Company will reinstate Claimant's employment as a Denver-based Flight Attendant with no loss of seniority ten (10) days after Claimant's execution and non-revocation of this Agreement.
2. In exchange for the reinstatement provided by the Company to Claimant through this Agreement, Claimant individually and on behalf of Claimant's spouse, heirs, successors, and assigns hereby agrees not to sue and unconditionally RELEASES, DISMISSES, AND FOREVER DISCHARGES Southwest Airlines Co., AirTran Airways, Inc. (Southwest's wholly-owned subsidiary), their respective affiliates, related entities, and each of their respective directors, officers, members, partners, managers, employees, representatives, agents, predecessors, successors, benefits plans, and trustees and fiduciaries of such plans (collectively, the "Released Parties") from any and all claims, liabilities, demands, obligations, agreements, damages, debts, and causes of action arising out of or connected with Claimant's employment with or separation from the Company. This waiver and release includes, but is not limited to, all claims and causes of action arising under federal, state, or local laws prohibiting age, sex, race, religious, national origin, disability, or any other form of discrimination, retaliation, or harassment (including claims under the federal Age Discrimination in Employment Act and/or Older Workers Benefit Protection Act), whistleblower claims (including claims under the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century "AIR21"), claims under federal, state, or local leave laws (including the Family Medical Leave Act "FMLA"), wrongful discharge claims, breach of contract claims, tort claims, and all claims alleging any legal or equitable restrictions on the Company's right to separate Claimant from employment with the Company.

Claimant represents that Claimant is the owner of the claims being released, dismissed, and discharged pursuant to this Agreement and that Claimant has not previously assigned or transferred all or any part of such claims to another entity or person.

3. Claimant agrees to take all action required to dismiss or withdraw with prejudice any outstanding claims of any kind whatsoever that Claimant has brought against the Company or any of the Released Parties, including but not limited to all Charges and Complaints filed with any federal or state Agency, all grievances filed, and all legal claims asserted with any Court. Claimant further agrees not to assert any new claims of any kind against the Company or any of the Released Parties covered by the agreed upon release of claims in Paragraph 2 of this Agreement.
4. This Agreement precludes Claimant from recovering any relief as a result of any lawsuit, grievance, or claim brought by Claimant or on Claimant's behalf against the Company or any of the Released Parties concerning or arising out of events occurring at any time up to the date of execution of this Agreement. However, nothing in this Agreement affects Claimant's ability to apply for unemployment compensation, or entitlement, if any, to workers' compensation, health insurance benefits under the Consolidated Omnibus Budget Reconciliation Act ("COBRA"), or vested benefits under a retirement plan governed by the Employee Retirement Income Security Act ("ERISA"). In addition, nothing in this Agreement prohibits Claimant from communicating with, filing a charge with, or cooperating in the investigations of any governmental agency on matters within their jurisdiction. The Agreement does prohibit Claimant from recovering any relief, including monetary relief, as a result of such activities. By signing this Agreement, Claimant represents that Claimant has already filed workers' compensation claims for any job-related illnesses or injuries that Claimant believes Claimant may have suffered while working for the Company.
5. Claimant agrees not to make, repeat, or publish any false, disparaging, or derogatory remarks or comments about the Company or any of the Released Parties. This Paragraph does not prohibit Claimant from making truthful statements while cooperating with a governmental investigation or testifying under oath.
6. Claimant has been given twenty-one (21) days after receipt of this Agreement to review and consider it before signing it. In order to accept the terms of this Agreement, Claimant must sign the Agreement and return it to the Company within twenty-one (21) days of receipt. Claimant has seven (7) days after signing the Agreement within which Claimant may revoke the Agreement by serving written notice of revocation upon the Company ("Revocation Period"). For such revocation to be effective, written notice must be actually received by the Company no later than the close of business on the seventh day after Claimant signs the Agreement. If timely revocation is not made, the Agreement shall be effective and enforceable. Claimant's acceptance of the Agreement and revocation, should Claimant decide to revoke the Agreement within the Revocation Period, should be delivered or mailed to the following address:

Melissa Burdine
2702 Love Field Dr.
Dallas, TX 75235
HDQ-4LR

7. **Claimant agrees to keep the terms and existence of this Agreement confidential.** This paragraph does not preclude Claimant from discussing the consideration being provided to Claimant with Claimant's tax advisor, attorney, or spouse, upon their agreement to keep the Agreement and terms confidential; or to taxing authorities, governmental agencies, or in response to a valid court order or subpoena.
8. Claimant agrees to pay any taxes not deducted or withheld by the Company pursuant to the terms of this Agreement without any further liability on the part of the Company or any of the Released Parties. Claimant further agrees to indemnify the Company and the Released Parties from any such taxes, penalty, or interest which may be imposed for any alleged failure to withhold taxes from the payment to Claimant.
9. This Agreement is made to compromise, terminate and constitute an accord and satisfaction of all of the claims released by this Agreement, and neither the Company nor any of the Released Parties admit any liability, fault, or wrongdoing of any kind whatsoever and expressly deny and disclaim any liability, fault, or wrongdoing that Claimant alleged or could have alleged. Claimant acknowledges that no promise, inducement or agreement not expressed within this Agreement has been made to Claimant and this Agreement constitutes the entire agreement between the Parties regarding the subject matter contained herein. No term, provision or condition of this Agreement may be modified in any respect except by a writing signed by each of the Parties.
10. The failure of any Party to enforce or require timely compliance with any term or provision of this Agreement shall not be deemed to be a waiver or relinquishment of rights or obligations arising hereunder, nor shall this failure preclude the enforcement of any term or provision or avoid the liability for any breach of this Agreement.
11. In the event of a breach by Claimant or the Company of the terms and conditions of this Agreement, the non-breaching Party shall be entitled to recover all expenses as a result of such breach, including but not limited to, reasonable attorneys' fees and costs.
12. The Parties agree that this Agreement will be construed without regard to any presumption or other rule requiring construction against the party causing this Agreement to be drafted. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the Agreement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.
13. Each Party shall bear its own costs and attorneys' fees, if any, except as otherwise provided in this Agreement.
14. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas without regard to conflict of law principles, and is performable, in whole or in part, in Dallas County, Texas, where venue shall be proper and required for the determination of any dispute regarding this Agreement.

15. Claimant is advised by the Company to consult with legal counsel prior to executing this Agreement, and has had an opportunity to consult with and to be advised by legal counsel of Claimant's choice, fully understands the terms of this Agreement, and enters into this Agreement freely, voluntarily, and intending to be legally bound. Because Claimant has had the opportunity to consult with competent legal counsel of Claimant's own choosing, has carefully read the Agreement, which was mutually negotiated, and has been fully and fairly advised as to its terms, any rule of law or decision that would require interpretation of any claimed ambiguities in this Agreement against the Party that drafted it has no application and is expressly waived.

CLAIMANT ACKNOWLEDGES THAT CLAIMANT HAS READ THIS AGREEMENT AND FULLY UNDERSTANDS ITS TERMS, AND THAT CLAIMANT ENTERS INTO AND SIGNS THIS AGREEMENT KNOWINGLY AND VOLUNTARILY, WITHOUT DURESS OR COERCION OF ANY KIND, AND WITH THE INTENT OF BEING LEGALLY BOUND BY THE AGREEMENT.

Charlene Carter

EXECUTED: _____, 2017

SOUTHWEST AIRLINES CO.

BY: Melissa Burdine

TITLE: Manager Labor Relations

EXECUTED: _____, 2017

EX. 9

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4
5
6 ARBITRATION
7 IN THE MATTER OF
8 TERMINATION OF CHARLENE CARTER
9 CASE NO. 24-0714
10 BETWEEN
11 CHARLENE CARTER
12 and
13 SOUTHWEST AIRLINES CO.
14

15 VOLUME 1

16
17 DECEMBER 7, 2017
18
19

20 EMBASSY SUITES - DALLAS MARKET CENTER
21 2727 NORTH STEMMONS FREEWAY
22 DALLAS, TEXAS
23
24
25

A P P E A R A N C E S

ARBITRATOR:

MR. BILL LEMONS

Peoples Petroleum Building

102 North College Avenue, Suite 1026

Tyler, Texas 75702

(903) 630-5039

whlemons@satexlaw.com

FOR THE COMPANY:

MS. MICHELE HAYDEL GEHRKE

MR. BRIAN K. MORRIS

POL SINELLI

Three Embarcadero Center, Suite 2400

San Francisco, California 94111

(415) 248-2173

mgehrke@polsinelli.com

FOR THE GRIEVANT:

MR. MILTON L. CHAPPELL

MR. JEFF D. JENNINGS

NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION

8001 Braddock Road, Suite 600

Springfield, Virginia 22160

(703) 321-8510

mlc@nrtw.org

jdj@nrtw.org

ALSO PRESENT:

Ms. Charlene Carter, Grievant

Ms. Melissa Burdine

Manager, Labor Relations

Ms. Lauren Armstrong, Paralegal

General Counsel Department

Mr. Stephen L. Myers

Attorney, General Counsel Department

Mr. Mark Richard

Phillips, Richard & Rind, P.A.

On Behalf of TWU Local 556

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P R O C E E D I N G S

(Joint Exhibits 1 and 2 marked)

9:11 a.m.

* * *

THE ARBITRATOR: This is, according to my information, Grievance No. 24-0714 involving Charlene Carter, grievant, who is here. Good morning.

MS. CARTER: Good morning.

THE ARBITRATOR: My name is Bill Lemons. I was next in rotation to hear this case, and I'm happy to do so.

Just very briefly, if you would announce your team.

MS. GEHRKE: Good morning. My name is Michele Gehrke and I'm outside counsel for Southwest Airlines. With me today is my associate, Brian Morris, at the end of the table. We have Melissa Burdine, labor relations at Southwest Airlines, Lauren Bobis-Armstrong, paralegal for Southwest Airlines, and Stephen Myers, counsel, labor employment attorney for Southwest Airlines.

THE ARBITRATOR: Thank you very much.
And for your side, sir?

MR. CHAPPELL: Thank you. I'm Milton

1 Chappell, and with me is cocounsel Jeff Jennings and
2 the grievant, Charlene Carter.

3 THE ARBITRATOR: Thank you. And I
4 understand we have a legal counsel for TWU 556.

5 MR. RICHARD: Yes, Local Union TWU 556 who
6 is appearing under Article 20, Section 18, Mark
7 Richard, counsel for the Union.

8 THE ARBITRATOR: Thank you, sir.

9 MR. RICHARD: Thank you.

10 THE ARBITRATOR: All right. So we've
11 talked about timing. We've talked about some other
12 administrative matters. I understand the parties
13 are working together on some joint exhibits, and I
14 appreciate that.

15 So yesterday as I was walking out, I
16 received a motion to quash which alerted me for the
17 first time that there may be some other things going
18 on. Airline arbitrations are kind of like Easter
19 egg hunts. Until I get to the hearing, I don't know
20 what's going on, I don't know what the issues are.
21 And so to the extent it's relevant to what I'm
22 doing, we need to address those things.

23 Under the collective bargaining agreement,
24 as a general rule, I'm tasked with determining
25 whether or not the Company had just cause to make a

1 decision. And that's what I do. So if we have
2 preliminary matters that you would like to address,
3 you may do so.

4 MS. GEHRKE: Okay. Thank you. As you
5 mentioned, we will have some joint exhibits. We're
6 just sorting out a couple. But is your preference
7 to move those into evidence at the end or as we go?

8 THE ARBITRATOR: Generally they're
9 presumed to be in evidence and I will make them so
10 unless there's an objection.

11 MS. GEHRKE: Okay.

12 THE ARBITRATOR: So, as we go. And then
13 she will make sure everything's in. Okay?

14 MS. GEHRKE: Great. So we have agreed
15 upon a statement of the issue --

16 THE ARBITRATOR: All right.

17 MS. GEHRKE: -- for the arbitrator. And
18 if I'm paraphrasing it correctly, it's whether or
19 not Southwest Airlines had just cause to terminate
20 the grievant, Charlene Carter, and if not, what
21 shall be the remedy.

22 THE ARBITRATOR: All right. Thank you.
23 Is that acceptable?

24 MR. CHAPPELL: That is acceptable. And my
25 understanding is that it's not just just cause but

1 it's just cause to terminate, leaving open that
2 maybe there was a violation but that the termination
3 was not the proper remedy for you to consider. Tell
4 me if I'm --

5 THE ARBITRATOR: Books have been written
6 about that.

7 MS. GEHRKE: Yeah, semantics.

8 THE ARBITRATOR: I get it.

9 MR. CHAPPELL: Okay. As long as you get
10 it and we'll do whatever and you can do obviously
11 whatever.

12 THE ARBITRATOR: We can put that in our
13 post-hearing briefs if we need to. All right.

14 MR. CHAPPELL: But I don't understand that
15 I can't at least make those arguments to you by
16 agreeing to this statement.

17 THE ARBITRATOR: No, I understand. That's
18 inherent in this. All right. I'll accept that then
19 as the issue.

20 On a more basic note, if we do go two
21 days, I will require an additional deposit from the
22 grievant, but I'm not worried about that. It's
23 \$800.

24 MR. CHAPPELL: I thought we had -- okay.

25 THE ARBITRATOR: I'm not worried about it.

1 MR. CHAPPELL: We'll make sure it happens.

2 THE ARBITRATOR: I know where you live.

3 MR. CHAPPELL: Right.

4 MS. CARTER: Or at least for the time
5 being, right?

6 MR. CHAPPELL: Yeah. We may be closer
7 than we think. I don't know.

8 THE ARBITRATOR: Or another way to put it,
9 it's not a good idea to stiff the guy who's about to
10 write your decision.

11 MR. CHAPPELL: I agree wholeheartedly and
12 we've been good so far, so I think you can count on
13 it.

14 THE ARBITRATOR: I appreciate your working
15 together. Do you care to raise preliminary matters
16 and tell me what's going on that I need to be aware
17 of?

18 MR. CHAPPELL: I would like to go back and
19 at some point, we don't have to do it this second,
20 and address the order that you issued yesterday on
21 the motion to quash.

22 THE ARBITRATOR: All right.

23 MR. CHAPPELL: And so --

24 MS. GEHRKE: Go ahead.

25 MR. CHAPPELL: -- if this isn't the right

1 time, just let me know. I just want to make
2 sure before we --

3 THE ARBITRATOR: No, let's get it out on
4 the table.

5 MR. CHAPPELL: Okay. The Union in its
6 motion asked specifically that three subpoenas duces
7 tecums be quashed.

8 THE ARBITRATOR: Yes.

9 MR. CHAPPELL: And you included in your
10 order a --

11 THE ARBITRATOR: Mr. Sullivan's?

12 MR. CHAPPELL: Right.

13 THE ARBITRATOR: Yes.

14 MR. CHAPPELL: And I would like to request
15 that you reconsider and revise that order to exclude
16 him.

17 THE ARBITRATOR: From my quash?

18 MR. CHAPPELL: Yes. Would you like to
19 hear why?

20 THE ARBITRATOR: What is your position on
21 that?

22 MR. RICHARD: Yes, your Honor. Thank you.
23 We had not learned that there was a subpoena served.
24 We think under the rules we should have been given a
25 copy, at least a courtesy copy. And so we still

1 have no verification or return of service that
2 Mr. Sullivan, a steward at the time, was served.
3 But if he were to be served, the basis is exactly
4 the same other than I can't argue about the date,
5 the undue burden, because I wouldn't know when he
6 was served. We've been trying to get in contact and
7 we haven't made it. Again, I don't know if Counsel
8 has the date of return service.

9 But that being said, the issue in terms of
10 these proceedings, which have no discovery, there's
11 no discovery in the contract or under the Railway
12 Labor Act that would permit this, in essence,
13 attempt to get documents. As you know, there is
14 ancillary litigation which we're not commenting on,
15 I'm not involved in that, but that has not passed or
16 survived discovery stage itself.

17 And so between the undue burden and exact
18 same arguments we made in the motion to quash, they
19 would be -- we would ask for them to be applicable
20 to Mr. Sullivan, who's an agent of the Union, and we
21 would by ore tenus motion ask that our original
22 motion to quash cover Mr. Sullivan's subpoena as
23 well, although I have to represent honestly to the
24 Court I don't even know if there's been service or
25 not.

1 THE ARBITRATOR: Okay. Yes, sir.

2 MR. CHAPPELL: Yeah, there has been
3 effective service. I would have to ask cocounsel to
4 give me the date. But the reason that Mr. Sullivan
5 was served and is a key witness here is that he was
6 the steward that represented Charlene at the fact
7 finding. And unfortunately I only have one copy --

8 MR. RICHARD: That's okay.

9 MR. CHAPPELL: -- of the whole book. Let
10 me bring it.

11 MS. GEHRKE: What's the relevance of this?

12 MR. RICHARD: I'm familiar with it.

13 MR. CHAPPELL: Yeah, I think you know
14 about it, but I want to have -- you're arguing it
15 right now, so I want to make sure you have it.

16 This is the shop steward training handbook
17 put out by the Union which deals specifically with
18 what Mr. Sullivan's duties were at the fact finding.
19 The fact finding and the step 2 are the heart of
20 what you're looking at. It is within the four
21 corners of the collective bargaining and deal with
22 the just cause. It has nothing to do with the
23 federal case. If it overlaps, I should not be
24 precluded from bringing and being able to present
25 the necessary case here because there may be a

1 federal case pending. This is not discovery for
2 that case. In fact, we don't have discovery here.
3 And these are necessary testimony and documents that
4 go to the heart of this case.

5 And the page 30 and 32 -- if anyone wants
6 to look at the whole thing, I guess I can give up my
7 notes. But to show that I didn't play any tricks, I
8 did include the table of contents and the page
9 numbers so that you can see. But to try to make it
10 easier, on page 30 and 32 it explains the role of
11 the shop steward to be present and to make the notes
12 of what occurred at the fact finding. It also says
13 that a shop steward's notes become the official
14 record of what took place and also that they can be
15 used as evidence in board of adjustment or
16 arbitration. That's on page 30. And that's
17 basically repeated again on page 32.

18 And that was the purpose of the subpoena
19 and the subpoena duces tecum to Mr. Sullivan to
20 bring those official notes that he took so that we
21 can have a record of what happened and the
22 information, what I believe is critical in your
23 determination or part of your determination of just
24 cause, is the information that the Company had
25 before it to make the determination.

1 And that is the purpose of the fact
2 finding, to be able to give the grievant and the
3 Union the power to bring in all the facts and
4 anything that is helpful and that the total way of
5 looking at whether they met their burden of just
6 cause is to know what they had before them. And it
7 also says that they are supposed to consider all the
8 material after it's been given to make their
9 determination.

10 So that's the purpose of calling
11 Mr. Sullivan and the documents that he is to bring
12 is basically related to those notes and anything
13 that he might still have that was presented at that
14 fact finding.

15 THE ARBITRATOR: Yes, ma'am?

16 MS. GEHRKE: If I can just make a few
17 points.

18 I understand why Mr. Chappell may want
19 Mr. Sullivan here to testify. That doesn't excuse
20 his tardiness in issuing the subpoena and properly
21 serving the Union so that they could have included
22 him in the motion to quash.

23 I would also note that the parties do have
24 a practice under the collective bargaining agreement
25 not to produce and use in arbitrations those fact

1 finding notes. And we do not intend to use them,
2 and the Union does not use them either. And in
3 fact, I believe both parties have taken the position
4 in the past that they are covered by some kind of
5 deliberative privilege or kind of, you know,
6 intra-Union privilege.

7 So we feel that your order yesterday was
8 proper to quash all four subpoenas and that
9 Mr. Sullivan should not be compelled to testify or
10 produce his documents.

11 THE ARBITRATOR: Okay. Anything further?

12 MR. RICHARD: Yes, your Honor. I just
13 want to comment.

14 If you'll note in the manual, this is an
15 internal TWU training document. I'm familiar with
16 it indeed, having represented the Union for 17
17 years. They are referred to as "your notes." They
18 belong to the Union. They belong to the steward.
19 And they are official to the Union, but they have no
20 role of being official to the process or to the
21 system board of adjustment.

22 Never met Counsel, but she is correct. I
23 have a long history here. They're not introduced
24 and have not been introduced by the parties. In
25 fact, the parties take the position, which is very

1 typical, that either party's notes are their notes
2 because otherwise people could write self-serving
3 notes.

4 We've also not heard any nexus between
5 these notes and any dispute of what happened at the
6 hearing, the fact finding hearing. In fact, if you
7 look on the page, it's who was there, what the
8 initials are, abbreviations for the attendees, what
9 was said, who was said. We don't know if any of
10 that's in dispute. I have no clue. I don't know
11 this case substantively.

12 And so these are our internal notes. They
13 are for us. The Union is not appearing. Ms. Carter
14 has chosen to use her own counsel, which we respect
15 and understand. She has the right indeed to do so.
16 And we strenuously object to trying to obtain
17 internal notes of an organization that are not even
18 relevant to this proceeding, and there is no
19 practice to introduce same.

20 THE ARBITRATOR: All right.

21 MR. CHAPPELL: I'd like to just clarify
22 one point that the only reason that Ms. Carter
23 elected to have her own counsel here today is that
24 TWU decided, which is their right, I'm not
25 questioning that, not to represent her to proceed to

1 arbitration but gave her the right to come on her
2 own. And as I understand Article 19 and especially
3 Article 20, we basically come through -- and that's
4 why the title has the Union's name even though the
5 Union technically isn't representing her. So I just
6 want the record to just be clear for the reason that
7 she elected to come on her own.

8 THE ARBITRATOR: I understand that. Had
9 one last month the same situation.

10 Here's where I come out on this. I wrote
11 a decision recently. You don't have the benefit of
12 it. You haven't either because I never issued it.
13 There is no discovery in these proceedings. The
14 collective bargaining agreement does not authorize
15 that. I would go beyond what I'm empowered to do
16 were I to sanction discovery.

17 When I approved the subpoenas, I was under
18 the impression that the parties might have conferred
19 and that these were okay. When the motion to quash
20 came in, I determined that apparently they were not
21 okay, and I took the liberty of adding Mr. Sullivan
22 because I thought through oversight that the motion
23 might have excluded him. And I had read the
24 subpoenas, and the information requested was the
25 same.

1 There is no place in this proceeding for
2 the documents that were requested in the duces
3 tecum. There is a place perhaps in the federal
4 court proceeding for that but not before me.

5 Now, if it comes to -- in my hearing, if
6 there is a dispute about what happened at the fact
7 finding hearing and who said what, then Sullivan's
8 testimony may be very important. I have been doing
9 these arbitrations for seven or eight years. I've
10 done over a hundred. I have yet to see copies of
11 any notes from fact finding meetings. I don't
12 welcome those because I view that as being
13 somewhat -- call it the labor relations privilege.
14 It would have a chilling effect on the process
15 itself were those to be introduced into evidence.

16 I also don't allow testimony about
17 settlements made without precedent. People try,
18 "Well, you agreed to" -- it was without precedent.
19 So I try to run under this collective bargaining
20 agreement as limited a review as I can to still give
21 you a fair hearing, and that involves did the
22 Company have just cause and what was before it when
23 it made the initial decision and went through the
24 step 2 proceedings.

25 So I'm quashing that subpoena as well. I

1 appreciate your remarks. Let's see what happens.
2 And if that testimony becomes relevant in rebuttal,
3 then we'll figure out a way to hopefully get
4 Mr. Sullivan here. We can do that by Skype, by
5 telephone. We'll do what is efficient. Okay?

6 MR. CHAPPELL: Okay.

7 MS. GEHRKE: Thank you.

8 THE ARBITRATOR: So I do have a copy of my
9 order that I never issued. It talks about discovery
10 under this contract if you want it. But anyway,
11 that's where I come out.

12 MS. GEHRKE: Okay. I have another issue,
13 and he just briefly touched on it, and I think it's
14 important to get out on the table here before we get
15 started today, and that is the issue of settlements
16 made on a nonprecedent-setting, nonreferral basis.

17 You will hear testimony today that there
18 were many other flight attendants terminated for
19 social media violations, and I know you're aware of
20 some of them because of your prior work. And we
21 intend to limit the testimony to the fact that those
22 flight attendants were terminated and then
23 Ms. Carter was also terminated and, you know, the
24 labor relations department did consider comparable
25 cases in deciding that termination was appropriate

1 for Ms. Carter. But we want to make sure that the
2 evidence is proper that's before you in that offers
3 of reinstatement that may have been made
4 post-termination as part of the litigation
5 settlement or even step 2 hearings and that were
6 made on a nonprecedent-setting, nonreferral basis
7 are not going to be brought into evidence because we
8 think those are improperly before you.

9 If Mr. Chappell tries to bring them in as
10 evidence, we do not intend to use them as evidence
11 unless you make a ruling that they're free game and
12 then we'll have to get into it, but that's our
13 position.

14 THE ARBITRATOR: Well, counsel on both
15 sides will use what evidence they can to win their
16 case. I get it. My ruling in the past and will be
17 in this case that other settlements, certainly those
18 that are specifically on a nonprecedental basis are
19 simply that. They are evidence that the Company
20 took action. And I take those really to show
21 consistency of the Company's action rather than
22 we're not really enforcing that rule, because there
23 are too many variables. And I don't want to have a
24 mini-trial on whether Suzi should have been
25 reinstated when Ms. Carter wasn't. That isn't what

1 I'm here to do.

2 So I will listen to their remarks, but
3 that's my mind-set is that people sit down and work
4 these out with labor relations for a lot of
5 different reasons, and I don't really need to know
6 what those reasons are.

7 So if you get into a serious conflict
8 about inconsistency of treatment, that's one thing.
9 When you get into inconsistency of settlements,
10 that's really not before me. So we'll look at it,
11 but that's where I'm coming from.

12 MS. GEHRKE: Okay. So just so I'm clear,
13 you are going --

14 THE ARBITRATOR: I didn't mean to make it
15 clear.

16 MS. GEHRKE: Clear as mud, clear as mud.

17 MR. CHAPPELL: I believe he wants to deal
18 with it on a case-by-case --

19 THE ARBITRATOR: Yes.

20 MR. CHAPPELL: -- settlement or issue or
21 whatever may come up and not make a blanket ruling.
22 I don't mean to say what you're saying, but that's
23 what I heard. Let me just phrase it that way.

24 THE ARBITRATOR: Let me say this. It will
25 be a very unusual situation where I will ever

1 consider a nonprecedent-setting settlement as
2 probative evidence on the Company's mind-set in
3 these matters.

4 MS. GEHRKE: Okay.

5 THE ARBITRATOR: Okay? You could have a
6 witness disappear. You could have a labor relations
7 guy quit. There are any number of reasons. They
8 fired an arbitrator one time and had to say -- who
9 knows? I don't. Okay? So we'll cross that bridge
10 when we come to it, but it will be a very short
11 bridge.

12 MS. GEHRKE: Okay.

13 MR. CHAPPELL: Okay. Thank you. Now, I
14 have one other matter. We have two witnesses that
15 for two different reasons were unable to physically
16 attend, and we would like to be able to have them
17 give their testimony by Skype. They have the
18 facilities here and we've tested that it worked. At
19 least it worked when we tested it. You know how
20 that goes.

21 THE ARBITRATOR: Sure.

22 MR. CHAPPELL: And my understanding is
23 that the Company is not agreeing to allow that, so
24 that's why I'm bringing it up now. And the reasons
25 that these two individuals could not physically come

1 to Dallas or be in Dallas, the first one is Mr. Kent
2 Hand, and he was intending to fly here and be here
3 but on Monday he learned that his partner's father
4 had passed away and that they are now having to do
5 all the necessary arrangements that happen when
6 there's a death in the family. And it would be an
7 extreme hardship to require him to take up to two
8 days, because he's in Oakland, to come here to
9 Dallas and to testify and be away from his partner
10 during this most troubling and emotional, et cetera,
11 time.

12 And so we requested out of basic courtesy
13 and understanding of that unexpected issue that he
14 be allowed to -- he is willing to take away probably
15 what won't even be an hour of time to testify by
16 Skype.

17 Maybe we should deal with these one by
18 one, or if you want me to go through the next one
19 and then let her respond.

20 THE ARBITRATOR: What's your thinking?

21 MS. GEHRKE: Well, we're not trying to be
22 difficult. We understand people have lives and
23 tragedies occur. Our concern with Mr. Hand, he was
24 just kind of sprung on us yesterday. Mr. Hand has
25 his own history with the airline, and he has been

1 represented by Mr. Chappell and his team on his own
2 case which was -- there was a confidential
3 settlement reached and he does have a
4 confidentiality clause and nonprecedent-setting
5 nonreferral.

6 So our concern was twofold. One, we're
7 not really -- we're concerned about him abiding by
8 those agreements. And, two, to the extent
9 Mr. Chappell indicated he was going to give us any
10 documents or exhibits he intended to use with the
11 witnesses when they might be testifying by Skype,
12 and we never received those. I'm a little
13 concerned, you know, when I go to do the
14 cross-examination, I'm going to need a little time
15 to pull together my exhibits. And then I guess
16 we're going to have to e-mail them to Mr. Hand,
17 whoever's there, have them print them out, you know,
18 just the logistics. And I understand you do take
19 testimony by Skype, but those were our concerns.

20 THE ARBITRATOR: Was there another one
21 besides him?

22 MR. CHAPPELL: Yes. Greg Hofer was also
23 intending to be here, but he was told -- the
24 collective bargaining agreement specifically says
25 that if a witness is necessary for this kind of

1 proceeding that the time off is charged as Union
2 time, but it doesn't really say anything about what
3 happens in trading off and being able to be free to
4 come here. And so we're told that he could use
5 what's called supervisor. Michele can use the right
6 terminology.

7 THE ARBITRATOR: I know what it is.

8 MR. CHAPPELL: Right. And Mr. Hofer was
9 told by his supervisor that's fine, you can do it as
10 long as you can get a pairing that can match. And
11 he was unable to get a pairing that matched that
12 would allow him to come here. He is also on the
13 West Coast. And so that's why he can't testify.

14 And as far as -- I had offered and I am
15 still willing to do this. If you rule that they can
16 testify by Skype, I did offer to give her the
17 documents ahead of time that we intend to use them
18 to -- use to move to admit into the record. But
19 when she would not agree to the Skype and said she
20 would oppose it as she's doing today, obviously I
21 wasn't giving her those documents until this matter
22 was resolved.

23 But to try to -- also we tested that with
24 the cameras we have, we can hold up a document and
25 the witness can see them. We don't have to wait to

1 e-mail it to them or anything like that, and they
2 can read it and they can identify it and talk about
3 it.

4 We all agree that live testimony is better
5 and easier perhaps, but I do know that it's not
6 uncommon and I believe you have even mentioned that
7 you have done it through Skype and conference
8 calling, other ways when the circumstances warranted
9 it.

10 THE ARBITRATOR: Sure. Well, having heard
11 what you have said, I'm perfectly willing to allow
12 those two individuals to testify other than in
13 person. Now, if we get into -- so you need to share
14 what those documents might be.

15 It was my pleasure to handle about a dozen
16 termination arbitrations for personnel in Iraq when
17 KBR was running that, and we had a lot of the
18 testimony via satellite telephone. It was amazingly
19 credible because they weren't in a room full of
20 lawyers. And so I firmly believe that some of the
21 best testimony there is comes from somebody who's in
22 their pajamas talking on Skype.

23 So we'll do that. And I'll be very
24 careful what we allow and what we don't. And I'm
25 very sensitive to the "Let me talk about my

1 settlement." Maybe so, maybe not. So we'll get
2 into that. But yes, they can testify remotely,
3 share the documents, and let's see where that goes.
4 Often it turns out to be a big issue right now but
5 not a big issue in 12 hours. So is that okay?

6 MR. CHAPPELL: At the lunch break -- I
7 mean, we kind of have them. He's working on them.

8 MS. GEHRKE: Sure, yeah, we can do it at
9 lunch.

10 MR. CHAPPELL: But at the lunch break we
11 can get them to you.

12 MS. GEHRKE: Okay.

13 THE ARBITRATOR: All right. Let's take a
14 short potty break and then get on the record and
15 have an arbitration.

16 (Recess from 9:38 to 9:48)

17 THE ARBITRATOR: I believe it's your
18 burden of proof, so why don't you favor me with an
19 opening statement.

20 MS. GEHRKE: All right. I will do that.

21 Good morning. We are here today because
22 former flight attendant Charlene Carter is
23 challenging her termination for cause under the
24 collective bargaining agreement between Southwest
25 Airlines and TWU Local 556.

1 Ms. Carter was terminated because she
2 violated the Company's social media, bullying and
3 hazing and harassment policies by sending Union
4 president Audrey Stone unsolicited Facebook messages
5 that Ms. Carter described as herself as containing
6 very graphic photos and videos depicting aborted
7 fetuses. This is not the first time that Ms. Carter
8 had sent Ms. Stone harassing, threatening, or
9 disparaging messages. In fact, Ms. Carter had opted
10 out of the Union and been sending Ms. Stone messages
11 on Facebook and e-mail for several years to voice
12 her dissent with the way Ms. Stone was leading the
13 Union.

14 Ms. Stone never once responded to these
15 messages or made a complaint to Southwest about
16 them. She simply ignored them and considered it the
17 plight of a Union official to bear the political
18 attacks. But these abortion messages were
19 different. They crossed the line and attacked
20 Ms. Stone at the core of her being. Ms. Carter
21 accused her of supporting the murder of these
22 aborted fetuses by simply attending the women's
23 march during President Trump's inauguration weekend.

24 Ms. Stone was in town for a women's
25 committee meeting for Local 556 with the

1 international union, and she was there to support
2 women's rights and workers' rights. Ms. Carter felt
3 that Ms. Stone's mere presence at the march
4 supported abortion and the murder of these fetuses,
5 all because Planned Parenthood happened to be the
6 sponsor for the march.

7 Ms. Carter did not know Ms. Stone's
8 political affiliation nor her views on abortion when
9 she sent these messages, yet in her mind Ms. Stone's
10 mere presence at the women's march on behalf of the
11 Union's committee was outrageous because Ms. Carter
12 assumed that her Union dues were being used to pay
13 for the trip and Ms. Carter did not want her money
14 going to political causes.

15 As an objector, Ms. Carter paid only the
16 minimum agency fees to contribute towards the
17 collective bargaining and representation provided by
18 the Union. Ms. Stone's trip to D.C. was part of
19 official Union business for the women's committee.

20 But even if Ms. Carter's dues money were
21 being used by the Union committee to pay for the
22 trip, does that somehow give her the right to harass
23 and attack a fellow employee without provocation, to
24 send her photos and videos of bloody fetuses and
25 accuse her of supporting murder?

1 Even though Ms. Stone is the local Union
2 president, she's still a fellow Southwest employee.
3 And like all Southwest employees, she's entitled to
4 a workplace environment free of harassment,
5 intimidation, bullying, and hazing.

6 Southwest's mission statement and its work
7 rules prohibit such conduct, and equal employment
8 opportunity laws also prohibit that conduct. In
9 fact, Southwest has a duty as an employer to provide
10 a harassment-free work environment to its employees.

11 The Company learned of these posts when
12 Ms. Stone complained to her Las Vegas based manager
13 because she was very upset about the graphic nature
14 of the messages and because she was upset that
15 Ms. Carter had accused her of supporting murder
16 simply by attending the women's march.

17 The decision to report Ms. Carter weighed
18 heavily on Ms. Stone. As she struggled to balance
19 her job of supporting all flight attendants as being
20 Union president and then being the victim of this
21 unprovoked attack and while Ms. Stone had been
22 receiving messages from Ms. Carter and other Union
23 dissenters for several years about intra-Union
24 political disagreements, she never reported those
25 messages to management.

1 Ms. Stone felt those messages were
2 different, but these abortion messages crossed a
3 line and they attacked her on a very personal level
4 as a human being. She considered them to be
5 harassing, inappropriate, and deeply offensive and
6 she wanted it to stop and that's why she reported it
7 to Southwest management, so they could take action
8 to make it stop.

9 Upon learning of the complaint, Southwest
10 followed its procedures and promptly initiated an
11 investigation. During that investigation, there was
12 a fact finding meeting and Southwest gathered more
13 information from Ms. Stone and all the social media
14 posts that Ms. Carter had sent her, including those
15 latest abortion messages.

16 And as part of this process, Southwest
17 also learned that Ms. Carter had publicly posted
18 these abortion photos and videos on her Facebook
19 page which was public. And her Facebook page
20 identifies her in her posts and in her photos as a
21 Southwest flight attendant to draw attention to --
22 Ms. Carter posted those videos and those photos on
23 her public Facebook page to draw attention to her
24 pro-life political beliefs.

25 Southwest met with Ms. Carter with Union

1 representation present to question her regarding the
2 posts and the messages and to get her side of the
3 story as part of the fact finding process.

4 Ms. Carter admitted sending the messages to
5 Ms. Stone and she didn't see the harm in it. She
6 told the Southwest managers during the fact finding
7 meeting that she felt she was justified in sending
8 the messages to try to provoke a conversation with
9 Ms. Stone regarding her attendance at the women's
10 march and to spread her pro-life beliefs.

11 Ms. Carter was apparently frustrated that
12 Ms. Stone was not engaging in a conversation with
13 her about the women's march or historically that she
14 had been ignored when she wrote to her about Union
15 issues, including her belief that her Union dues
16 money should not be spent for political causes.

17 Ms. Carter had no remorse for her actions
18 or that she had deeply upset Ms. Stone. After
19 investigating Ms. Stone's complaint and hearing
20 Ms. Carter's side of the story, Denver base manager
21 Ed Schneider made the decision to terminate
22 Ms. Carter's employment because her actions violated
23 the Company's social media, bullying and hazing and
24 harassment policies, policies that Ms. Carter had
25 acknowledged receiving.

1 The decision to terminate was consistent
2 with Company policy and its strict enforcement of
3 its social media policy, and Ms. Carter was notified
4 of her termination by phone and certified mail.
5 Ms. Carter appealed her termination through the
6 grievance process with the help of her Union.
7 Ms. Stone recused herself from that entire process.

8 In accordance with the contract,
9 Ms. Carter attended a step 2 hearing with senior
10 director of inflight operations, Mike Sims. He was
11 the Company designee responsible for hearing such
12 appeals. Mr. Sims was a former flight attendant and
13 a Union officer before he joined Southwest's
14 management team. And with the assistance of her
15 Union representation, Ms. Carter was allowed to
16 present her case and argue why Southwest's decision
17 to terminate her employment was unjust under the
18 collective bargaining agreement.

19 Mr. Sims considered all the facts and the
20 documentation learned during the fact finding
21 investigation and during the step 2 hearing, but to
22 avoid further litigation and having Ms. Stone be
23 required to testify, Mr. Sims negotiated an
24 agreement with the Union to offer Ms. Carter
25 reinstatement with a 24-month last chance agreement

1 on a nonprecedent-setting and nonreferral basis.

2 Ms. Carter rejected that offer and she
3 retained the National Right to Work Foundation as
4 independent counsel, which is why we're here today.
5 Ms. Carter doesn't want her job back, not only
6 because she rejected the offer of reinstatement but
7 because she barely worked over the last three years
8 at the airline. In the last three years she only
9 worked a total of nine days because she gave away
10 nearly all of her scheduled flights.

11 This grievance is not about her job. It's
12 about her federal court case against Southwest and
13 Local 556 for Constitutional violations and Railway
14 Labor Act violations, and it's about her crusade
15 against the current Union officers and to promote
16 her views on right-to-work laws and abortion.

17 Her status as a Union objector and her
18 political views do not give her the right to harass
19 and attack other Southwest employees, including
20 Ms. Stone. There's a time, place, and manner for
21 speech and activities that we can debate whether
22 it's even protected, but there are limits to those
23 rights and Ms. Carter simply took it too far with
24 Ms. Stone. And she can't hide behind her status as
25 an objector or pro-life supporter to escape the

1 responsibility of her actions.

2 After providing due process under the CBA,
3 Southwest was justified in terminating Ms. Carter's
4 employment, and we ask that you deny the grievance
5 in its entirety. Thank you.

6 THE ARBITRATOR: Thank you.

7 Sir, do you want to reserve your remarks
8 or make them now?

9 MR. CHAPPELL: I will reserve until the
10 start of my case.

11 THE ARBITRATOR: All right. Then you may
12 call your first witness.

13 MS. GEHRKE: Okay. We will call Maureen
14 Emlet from labor relations.

15 (Off record from 9:58 to 9:59)

16 THE ARBITRATOR: Would you spell your name
17 for this young lady.

18 THE WITNESS: Maureen, M-A-U-R-E-E-N, last
19 name Emlet, E-M-L-E-T.

20 THE ARBITRATOR: Thank you very much.
21 Would you raise your right hand, please.

22 Do you swear that the testimony you're
23 about to give in this arbitration shall be the
24 truth?

25 THE WITNESS: I do.

1 THE ARBITRATOR: Thank you. You may
2 proceed.

3 MS. GEHRKE: Thank you.

4 MAUREEN EMLET,
5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. GEHRKE:

8 Q. Good morning.

9 A. Good morning.

10 Q. Ms. Emlet, how long have you been employed
11 by Southwest Airlines?

12 A. I am just starting my 20th year with
13 Southwest.

14 Q. Okay. And what's your current position?

15 A. I am the manager of labor relations in the
16 general counsel department.

17 Q. Okay. And how long have you held that
18 position?

19 A. Five and a half years.

20 Q. Can you tell us briefly about your
21 employment history with Southwest and the positions
22 you've held.

23 A. Yes. I began as a flight attendant. Then
24 I was a recurrent training supervisor for four
25 years. I transferred over to the base operations

1 side and was a base manager in Oakland and Chicago
2 for about six years. Came to headquarters in
3 inflight communications and then transferred to
4 labor relations.

5 Q. Okay. And what are your job
6 responsibilities as a labor relations manager?

7 A. I am kind of a conduit between the base,
8 the Union, and the flight attendant. I ensure that
9 the contract is being applied the way that it should
10 be. I oversee Company policies and how they apply
11 to our flight attendants. I counsel with the base
12 leaders in matters of discipline where there may be
13 a potential violation of a work rule or a Company
14 policy or something in the contract.

15 Q. And are you familiar with the grievant,
16 Charlene Carter?

17 A. I know her from -- just from this
18 grievance, yes.

19 Q. Okay. So you've been responsible for
20 working on her case?

21 A. Yes.

22 Q. As part of handling her case, what steps
23 did you take to familiarize yourself with
24 Ms. Carter's employee file?

25 A. I did not initially look at her file. I

1 looked at all of the evidence of the case, the facts
2 that were gathered by the base as well as other
3 resources, and then I reviewed her discipline
4 history for the prior 18 months, because in our
5 collective bargaining agreement discipline rolls off
6 after 18 months. So I reviewed the most recent 18
7 months, and I reviewed her attendance history.

8 Q. Okay. And what did you observe with
9 respect to her attendance?

10 A. She has given away almost all of her trips
11 over the past almost three years. I believe in 2015
12 she worked one day plus one day of recurrent
13 training. In 2016 I think she may have flown four
14 days or five days and also went to recurrent
15 training. And I did not see any trips flown during
16 2017.

17 Q. Okay. In your role as labor relations
18 manager, are you familiar with Southwest's
19 employment policies?

20 A. I am.

21 MS. GEHRKE: All right. I'd like to ask
22 you some questions about some of those policies.
23 This will be marked as Joint Exhibit 3.

24 (Joint Exhibit 3 marked)

25 THE ARBITRATOR: Thank you.

1 BY MS. GEHRKE:

2 Q. Ms. Emlet, are you familiar with Joint
3 Exhibit 3 which is the mission statement of
4 Southwest Airlines?

5 A. Yes, I am.

6 Q. Okay. And do employees have access to
7 this mission statement?

8 A. Yes, they do. In fact, every time you
9 open SWALife, which is our intranet, I guess you'd
10 call it, our internal website, the mission statement
11 is posted there. It's posted all over. It's posted
12 in the lounges. It's posted at headquarters.
13 It's -- this is the backbone of our company.

14 Q. Okay. And are all employees expected to
15 abide by the mission statement?

16 A. Yes.

17 Q. And is it an important part of Southwest
18 culture?

19 A. Yes, it is.

20 Q. Is there anything particular with the
21 mission statement that you felt was relevant to
22 Ms. Carter's case?

23 A. Yes. I -- well, the first sentence, of
24 course, is always important, but I think that the
25 second section, "To Our Employees, We are committed

1 to provide our Employees a stable work environment
2 with equal opportunity for learning and personal
3 growth." And then it goes on, and the last sentence
4 states, "Above all, Employees will be provided the
5 same concern, respect, and caring attitude within
6 the organization that they are expected to share
7 externally with every Southwest Customer."

8 MS. GEHRKE: Thank you. I'd like to ask
9 you about the basic work rules and expectations.
10 This will be Joint Exhibit 4.

11 (Joint Exhibit 4 marked)

12 BY MS. GEHRKE:

13 Q. Ms. Emlet, can you tell the arbitrator
14 what this document is.

15 A. Yes. This is a copy of the work rules and
16 expectations for flight attendants.

17 Q. Is this an excerpt of a broader document?

18 A. Yes.

19 Q. Okay. And do flight attendants receive a
20 copy of this document?

21 A. Yes, they do. It is housed in their
22 flight attendant manual.

23 Q. Okay. And what's the purpose of this
24 document?

25 A. It's -- it's to give them guidelines of

1 the expectations for work. It's not all
2 encompassing and it states here that not every
3 single thing could be listed, but it does give them
4 the groundwork and the framework for what is
5 expected of them as an employee and a flight
6 attendant at Southwest Airlines.

7 It also goes in on the second page to
8 discuss how we determine whether or not discipline
9 would be warranted and how that would be applied.

10 Q. Okay. So looking at Section 3.2.0. titled
11 "Progressive Discipline" --

12 A. Yes.

13 Q. -- does Southwest generally have a
14 progressive discipline policy?

15 A. Most of the time, yes. Occasionally there
16 are behaviors or events that are so egregious they
17 warrant termination or staunch suspensions on a
18 first offense.

19 Q. Okay. And does Southwest classify
20 different types of offenses based on severity?

21 A. Yes. We actually have five classes of
22 work rules. And if you look at the bottom of the
23 second page, it starts there. We haven't listed out
24 what those violations are, but it tells you what the
25 discipline is.

1 So, for instance, on a Class I, a first
2 violation would be a possible termination up to a
3 30-day suspension. For a Class II, a first
4 violation would be final warning with possible
5 termination. In my experience on Class I
6 violations, I've almost never seen a Class I
7 violation that did not result in termination on a
8 first offense.

9 Q. Okay. And what would be an example of a
10 Class I violation?

11 A. Theft, dishonesty. My favorite, moral
12 turpitude, just because I like the way that sounds.
13 There is a rule that we have, we refer to it as
14 Class I-17, reserve flight attendants are required
15 to be within two hours' driving distance of their
16 domicile during their contact hours.

17 So they -- in my opinion, you have to work
18 pretty hard to commit a Class I violation, and we
19 take them very, very seriously.

20 Q. Could a social media policy violation be a
21 Class I violation?

22 A. It is not listed in our classes of
23 violations. However, this document here, as you can
24 see from the title, does also reference Company
25 policies, flight attendant work rules and

1 expectations slash Company policies. Our Company
2 policies, some of them are included in the flight
3 attendant manual. All of them are available on
4 SWALife. And a social media violation could be a
5 violation of just the social media policy. It could
6 include violations of other Company policies. It
7 could include violations of work rules.

8 Q. Okay. And what about the harassment
9 policy?

10 A. The harassment policy is housed on
11 SWALife. It's available to all employees
12 electronically. It also is replicated in the flight
13 attendant manual.

14 Q. Could that be a Class I violation?

15 A. It's not listed under a Class I violation.
16 However, depending on the severity of the violation,
17 it could result in termination on a first offense.

18 Q. And would the same thing apply to the
19 bullying and hazing policy?

20 A. Absolutely.

21 Q. Okay. And what is generally taken into
22 consideration when deciding what level of discipline
23 is appropriate?

24 A. Well, it tells you here on page 2 that in
25 determining discipline we look at the nature of the

1 violation, the surrounding circumstances if
2 appropriate, and the overall employee record during
3 the previous 18-month period.

4 (Joint Exhibit 5 marked)

5 Q. Okay. I want to ask you some questions
6 about the harassment policy issued by Southwest
7 Airlines. That's Joint Exhibit No. 5. And we
8 confirmed that this was the policy in effect at the
9 relevant time period. Are you familiar with this
10 document, Ms. Emlet?

11 A. Yes, I am.

12 Q. Okay. Can you generally describe
13 Southwest's policy on harassment, discrimination,
14 retaliation?

15 A. Yes. We take violations of this policy
16 very seriously. Harassment or discrimination based
17 on -- and it lists, of course, all of the covered
18 categories, race, color, ancestry, religion,
19 et cetera, and then it gives some examples of what
20 would be considered types of derogatory, sexually
21 suggestive, offensive or threatening or intimidating
22 behaviors.

23 Q. And was this policy relevant during
24 Ms. Carter's investigation?

25 A. I'm sorry. Was it what?

1 Q. Relevant to Ms. Carter.

2 A. Yes, it was.

3 Q. How so?

4 A. One of the posts that Ms. Carter sent to
5 Ms. Stone was of a sexual nature. It was a still
6 shot of three women wearing headdresses that were I
7 guess supposed to be depictions of women's vaginas.
8 So they were like these vagina headdresses with
9 women's hats or heads in the center, and she sent
10 that to Ms. Stone.

11 Q. Okay. And do employees have access to
12 Southwest's anti-harassment policy?

13 A. Yes. Every single year every employee is
14 required to acknowledge that they have read and
15 agree to abide by this policy. That's done
16 electronically. This is also available on SWALife,
17 and it is in the flight attendant manual.

18 (Joint Exhibit 6 marked)

19 Q. Okay. Thank you. I want to ask you some
20 questions about the bullying and hazing policy next.
21 That's Joint Exhibit 6. Ms. Emlet, are you familiar
22 with this document?

23 A. Yes, I am.

24 Q. And is this bullying and hazing policy
25 also available on SWALife?

1 A. Yes, it is.

2 Q. And do employees have to acknowledge
3 receiving a copy or having access to this policy?

4 A. Yes.

5 Q. Can you generally describe the Company's
6 policy with respect to workplace bullying and
7 hazing?

8 A. Yes. We take this very seriously, and
9 it's just not tolerated. It reiterates the mission
10 statement and that we are to provide all employees
11 with the same concern, respect, and caring attitude
12 within the organization that they are expected to
13 share externally. And it goes on to state that
14 therefore hazing and bullying, including
15 cyberbullying, which would be social media, are not
16 tolerated in the workplace.

17 Q. And can you explain how Ms. Carter's
18 actions with respect to Ms. Stone violated this
19 policy.

20 A. Yes. If you look at the bullet points,
21 the first bullet point talks about verbal bullying
22 and talks about the behaviors that are included such
23 as slandering, ridiculing, hurtful name-calling,
24 personal insults.

25 And then if you skip down to the fourth

1 bullet point, where this came into play with
2 Ms. Carter was the cyberbullying that included
3 behaviors outlined in the verbal bullying by using
4 electronic technology devices and communication
5 tools.

6 (Joint Exhibit 7 marked)

7 Q. Thank you. I want to ask you about the
8 social media policy next. That is Joint Exhibit 7.
9 Ms. Emlet, are you familiar with this document?

10 A. Yes.

11 Q. And this document was issued in
12 April 2016? Is that correct?

13 A. Yes.

14 Q. Okay. And do employees have access to
15 this policy?

16 A. Yes.

17 Q. Would that be on SWALife?

18 A. Yes.

19 Q. And do employees have to acknowledge
20 receipt electronically of this?

21 A. Yes, they do, of the social media policy.

22 Q. Okay. Can you generally describe what the
23 Company's policy is with respect to social media?

24 A. Yes. I think that it's well stated in
25 this bold, italicized sentence that states, "For

1 that reason, certain social media content that in
2 any way is later related to Southwest, reflects
3 poorly upon Southwest, or impacts the workplace, is
4 a violation of this policy and may result in
5 discipline, up to and including termination."

6 And then Southwest actually -- you know,
7 I'm sure that we would love to not be in the social
8 media violation business, but we've -- we have to
9 address it because it's a real thing. And we take
10 it so seriously that not only do we have this policy
11 on SWALife available to all employees, we also have
12 training videos, self-training videos and resources
13 on SWALife attached to this policy that are
14 available to everyone so that they are well educated
15 on what is acceptable social media behavior and what
16 is not.

17 Q. Okay. And in fact, the policy also
18 provides employees with examples of the type of
19 conduct that may be a violation of the policy?

20 A. Yes, it does.

21 Q. Okay. Can you explain how Ms. Carter's
22 conduct violated this policy?

23 A. Yes. If you go to the first bullet point,
24 it states, "Content that may be viewed as untrue,
25 disrespectful, malicious, obscene, violent,

1 harassing, bullying, defamatory, threatening, lewd,
2 intimidating, discriminatory or retaliatory."

3 Ms. Carter sent two videos along with the
4 still shot of the women wearing the vagina
5 headdresses. She sent two videos of babies being
6 aborted, of aborted fetuses, and then those were
7 accompanied by different verbiage such as calling
8 Ms. Stone a murderer, assuming that she was
9 pro-abortion, she was a sheep in wolf's clothing.
10 She was accused of stealing and mishandling Union
11 funds.

12 And then in the second bullet point it
13 says, "Content that may be viewed as damaging
14 Southwest's public perception," and these same
15 videos or similar videos were posted on Ms. Carter's
16 public Facebook page along with photos of herself
17 identifying her as a Southwest Airlines flight
18 attendant.

19 (Company Exhibit 1 marked)

20 Q. I'm going to hand you what's Southwest
21 Exhibit No. 1.

22 Ms. Emlet, you testified that employees
23 had to acknowledge receiving, understanding, and
24 abiding by the policies we just discussed, correct?

25 A. Yes.

1 Q. And how often do employees have to
2 acknowledge those policies?

3 A. Annually.

4 Q. And do you know if Ms. Carter acknowledged
5 receiving those policies?

6 A. Yes.

7 Q. All right. Southwest Company
8 Exhibit No. 1 is a document that -- well, why don't
9 you explain to me what this document is.

10 A. Yes.

11 THE ARBITRATOR: I would prefer it.

12 MS. GEHRKE: I'll testify if you want.

13 A. This is a document that was provided to us
14 from our technology group. And if you look in this
15 little box that's at the top of the page, you'll
16 notice that it says, "I, Vincent Vasquez." That's
17 because he is our technology person. So that box is
18 there simply to show you a replication of the
19 notification that goes out to every employee. When
20 the employee logs on to SWALife, this box pops up.
21 And since they log in with their employee number,
22 their name would be in this box.

23 And then if you look to the bottom left of
24 the page, it shows you that "e," for employee,
25 38690, which was Ms. Carter's employee number, her

1 name, Charlene Carter, and that on April 22nd, 2016,
2 at 10:14 she acknowledged receipt of these policies.

3 Q. Okay. And as part of acknowledging
4 receipt of these policies, are they also agreeing to
5 abide by them?

6 A. Yes.

7 THE ARBITRATOR: Is there an objection
8 about Southwest 1?

9 MR. CHAPPELL: I don't mind it being
10 entered for the purpose of showing the form, but I
11 don't know about whether I need to confer -- why
12 don't you -- may I take a moment to confer with my
13 client? I may not have an objection.

14 THE ARBITRATOR: No, that's fine, sure.
15 Yeah, let's take another potty break. We'll be off
16 seven minutes.

17 (Recess from 10:20 to 10:27)

18 THE ARBITRATOR: We'll go back on the
19 record. You were going to confer and see if she had
20 a problem with this evidencing that she received the
21 policy?

22 MR. CHAPPELL: We have no problem with it
23 being admitted, and we expect to have some testimony
24 about it.

25 THE ARBITRATOR: Sure. All right.

1 That'll be fine. SWA 1 is admitted.

2 (Company Exhibit 2 marked)

3 BY MS. GEHRKE:

4 Q. I'm going to hand you what's marked as
5 Southwest Company Exhibit No. 2. Ms. Emlet, are you
6 familiar with this document?

7 A. Yes, I am.

8 Q. Can you please describe for us what it is?

9 A. Yes, this just goes to further show you
10 what the employee sees when they acknowledge the
11 SWALife announcement that they have read and agreed
12 to abide by these Company policies.

13 Q. Okay. So here we have page 1. Can you
14 tell us what that document was, why Mr. Vasquez sent
15 you this e-mail?

16 A. Yes. He sent that for Ms. Charlene Carter
17 on January 21st of 2017, she again acknowledged the
18 receipt and agreeing to comply with the Company
19 policies.

20 And then on the second page it briefly
21 tells you what these policies are and just a very
22 tiny synopsis of what they mean. The very first one
23 talks about the first quarter acknowledgment and
24 reminds the employees that it's important for them
25 to take the time to read the policies, be aware of

1 the expectations outlined in the policies, and know
2 that they will be held accountable for complying
3 with these policies. And as such, they are asked to
4 confirm whether they are aware that they will be
5 held accountable for the policies being applied to
6 them.

7 Q. Okay. That's what Ms. Carter did on
8 January 21st, 2017?

9 A. That's correct.

10 MS. GEHRKE: We would move to introduce
11 Southwest Exhibit No. 2 into evidence.

12 THE ARBITRATOR: No objection but might
13 have comments?

14 MR. CHAPPELL: No objection, but obviously
15 you may hear more about it.

16 THE ARBITRATOR: All right. That's fine.
17 It'll be admitted.

18 (Company Exhibit 3 marked)

19 BY MS. GEHRKE:

20 Q. Ms. Emlet, I want to ask you about
21 documents called "Read Before Fly." This one is
22 marked as Southwest Exhibit 3. Ms. Emlet, can you
23 please identify what Southwest Company Exhibit No. 3
24 is?

25 A. Yes. This is a read before fly. These

1 are memos that are issued to flight attendants to
2 update them on critical information that they need
3 to know before they fly a trip. We commonly refer
4 to them as RBFs. And this one, you'll see it says
5 2013-006. That denotes that this was the sixth RBF
6 issued in 2013.

7 And then this one was actually issued on
8 January 11th to all flight attendants from Mike
9 Mankin who was the director of employee resources at
10 the time, and at that time that really is labor
11 relations. We just changed our name. And this is
12 to alert flight attendants that there is a revised
13 social media policy that was introduced and is
14 applicable to all Southwest employees, members of
15 the board of directors, and the contractors, it's
16 the responsibility of all employees to familiarize
17 themselves with the new policy, and that mandatory
18 acceptance of the policy will be required beginning
19 January 16th of 2013. It also gives the flight
20 attendants the path that they can follow on SWALife
21 if they want to view the document online.

22 Q. Okay. Approximately how many RBFs or read
23 before fly does the Company issue per year?

24 A. It varies with the needs of the operation.
25 It could be anywhere from 100 to 200 per year. I

1 know that during the years that we were acquiring
2 AirTran that we started international service, we
3 had so many changes that were critical for the
4 flight attendants to know, there were more read
5 before flies. But they're generally fairly short.
6 And as I said before, every flight attendant is
7 required to read any new RBFs that have come out
8 since the last time they flew. So if you fly every
9 Monday of every week and you read all of your RBFs
10 on the first Monday, before the second Monday you'd
11 have to read any new RBFs that had come out during
12 that time period.

13 MS. GEHRKE: Okay. Thank you. We'd like
14 to move to introduce Southwest Exhibit No. 3 into
15 evidence.

16 MR. CHAPPELL: No objection.

17 THE ARBITRATOR: Thank you. It'll be
18 admitted.

19 (Company Exhibit 4 marked)

20 MS. GEHRKE: I'll be passing out Southwest
21 Company Exhibit No. 4.

22 BY MS. GEHRKE:

23 Q. Ms. Emlet, can you identify what this
24 document is, please.

25 A. Yes. This is a read before fly that was

1 issued on May 16th of 2015 by Mike Hafner who was
2 our vice president at the time. And at that time
3 flight attendants were housed under cabin services.
4 And this actually was issued in response to a social
5 media post, a video that a customer had posted
6 taking video of one of our flight attendants on the
7 jump seat and alleging that the flight attendant was
8 under the influence of alcohol or drugs. There was
9 a lot of speculation by flight attendants on
10 Facebook regarding that post. This flight attendant
11 actually was having a medical event and had to be
12 hospitalized.

13 And so this is Mike Hafner's request to
14 our flight attendants that they not engage in
15 conversation, speculation, and reminding us that we
16 should know that it is unacceptable to condemn our
17 family members based on assumptions made without
18 knowing all of the facts surrounding very difficult
19 situations.

20 Q. And how is this RBF relevant to
21 Ms. Carter's case?

22 A. With the videos and still shots that
23 the -- that Ms. Carter sent to Ms. Stone via
24 Facebook messaging, she told us that -- and by the
25 words that she used in her comments to Ms. Stone,

1 she was making assumptions that Ms. Stone was
2 promoting abortion, that she was in favor of
3 murdering babies, and making assumptions without
4 knowing really I think any of the facts about
5 Ms. Stone personally.

6 MS. GEHRKE: Thank you. I'd like to move
7 Southwest Company Exhibit No. 4 into evidence,
8 please.

9 MR. CHAPPELL: No objection.

10 THE ARBITRATOR: Thank you, sir.

11 MS. GEHRKE: We'll mark this next document
12 as Southwest Company Exhibit No. 5.

13 (Company Exhibit 5 marked)

14 BY MS. GEHRKE:

15 Q. Ms. Emlet, can you identify for us what
16 this document is, please.

17 A. Yes. This is an RBF issued on
18 October 12th, 2016, to all flight attendants from
19 Naomi Hudson who is one of our senior directors of
20 labor relations. And it was a reminder of
21 acceptable and unacceptable behavior regarding
22 social media.

23 And about halfway through the first
24 paragraph, you'll see that it says, "Making such
25 statements, circulating or forwarding such

1 statements is not only divisive and cruel, but it is
2 contrary to what we stand for and is absolutely
3 unacceptable behavior for a Southwest employee."

4 Q. Okay. So this was just a reminder again
5 about Southwest's social media policy and
6 expectations for flight attendants and other
7 employees?

8 A. It is. And it reminds them as well that
9 even if they think that their comments are private,
10 they rarely on social media remain that way. And it
11 also reminds them that comments made on social media
12 may violate, among other things, the policy
13 concerning harassment, sexual harassment,
14 discrimination, and retaliation, Southwest's
15 workplace bullying and hazing policy, and/or
16 Southwest's social media policy.

17 MS. GEHRKE: Thank you. I'd like to move
18 Southwest Company Exhibit No. 5 into evidence,
19 please.

20 MR. CHAPPELL: No objection.

21 THE ARBITRATOR: Thank you, sir. Be
22 admitted.

23 (Company Exhibit 6 marked)

24 BY MS. GEHRKE:

25 Q. The next document's marked Southwest

1 Company Exhibit No. 6. Ms. Emlet, can you identify
2 for us what this document is?

3 A. Yes. This is another read before fly
4 published on February 22nd of this year. Sonya
5 Lacore, who is our current vice president of
6 inflight operations, collaborated with Julie Weber
7 who's the V.P. of people -- that's basically our
8 human resources department -- and Russell McCrady,
9 who is the vice president of labor relations.

10 It's a lengthy document, much longer than
11 most RBFs that we publish, but I think that that
12 goes to show the importance and impact of the
13 message that they are reiterating the second portion
14 of the Southwest mission statement that we --

15 MR. CHAPPELL: I'm going to object to this
16 one. So I don't mind her identifying it, but I
17 don't want her to read from it until you rule on my
18 objection.

19 THE ARBITRATOR: I got you.

20 MR. CHAPPELL: The main postings and
21 messagings that are the heart of the termination
22 were done on February 14th and this was issued on
23 February 22, so it was not -- I'm not saying
24 something wasn't in effect, but I don't think it's
25 proper to use a read before fly that was issued

1 after the incidents that led to my client's
2 termination. So that's why I'd object.

3 MS. GEHRKE: I understand your concern.
4 We're not using this to show that she would have
5 received this prior to her posts. I was going to --
6 my next question to Ms. Emlet was going to be why
7 the Company issued this RBF at this time.

8 MR. CHAPPELL: Even so, I fail to see how
9 it's relevant, even if you're not going to claim
10 that she knew about it, because you're going to talk
11 about policies that you haven't established existed
12 at the time in this.

13 MS. GEHRKE: Well, I think it's relevant
14 to the Company's response to not only Ms. Carter's
15 social media posts but other social media posts that
16 were going on around this time and that this was the
17 Company's response because this --

18 THE ARBITRATOR: Let me short-circuit this
19 a little bit. How many more RBFs --

20 MS. GEHRKE: This is the last one.

21 THE ARBITRATOR: Okay. It's less relevant
22 than the others, but I'm going to allow it. I get
23 it. They're in a social media firestorm and they
24 have to tell everybody they're serious about it.
25 Whether she knew about it and whether it's legally

1 significant, I'll sort that out. So I'm going to
2 let it in over your objection and accord it what
3 weight it's entitled to.

4 MR. CHAPPELL: Right. And my only
5 objection is to the date, the post dates, and it
6 seems unfair to deal with it when --

7 THE ARBITRATOR: Sure.

8 MR. CHAPPELL: -- it could not have
9 applied to her.

10 THE ARBITRATOR: I got you.

11 MR. CHAPPELL: Okay.

12 BY MS. GEHRKE:

13 Q. Okay. Ms. Emlet, we can all read the
14 document. The arbitrator's capable of reading the
15 document, so he can see what it says, but can you
16 explain why the Company issued this RBF at this
17 time.

18 A. Yes. All of these policies had actually
19 been in place for several years, but the violations
20 of these policies just continued to grow and grow.
21 And so these -- all the different departments -- not
22 all the different. These different departments came
23 together. They started working in the fall of 2016
24 on a joint document to publish and to put out to
25 flight attendants just to make sure that they knew

1 how seriously Southwest was taking these issues and
2 that we did have policies in place that we intended
3 to enforce and follow.

4 MS. GEHRKE: Thank you. So we would move
5 this into evidence.

6 THE ARBITRATOR: I've admitted it.

7 MR. CHAPPELL: I think he's overruled my
8 objection.

9 THE ARBITRATOR: I barely overruled your
10 objection.

11 MR. CHAPPELL: That means you get it.

12 BY MS. GEHRKE:

13 Q. All right. Ms. Emlet, I'd like to ask you
14 now about Southwest's investigation into
15 Ms. Carter's social media posts in 2017. Were you
16 involved in the Company's investigation and handling
17 of Ms. Carter's social media posts?

18 A. Yes, I was.

19 Q. Okay. Can you tell us briefly how you
20 were involved?

21 A. Yes. I generally get involved in cases
22 that have the potential to result in suspension or
23 termination. This particular issue, we really had
24 not seen anything of this nature prior to this. And
25 so the base contacted me early on, shared the videos

1 with me, the e-mail message -- or I guess the
2 Facebook messages and the still shots of what
3 Ms. Carter had sent to Ms. Stone.

4 I also was privy to the fact finding notes
5 and the notes from the interview of Ms. Stone. I
6 reviewed all of that information and acted as a
7 consultant with the base leader, Ed Schneider, in
8 his determination of whether or not there was a
9 violation and, if there was a violation, what would
10 be the appropriate discipline.

11 Q. Okay. Did you actually participate in the
12 fact finding meetings with Ms. Carter?

13 A. I did not.

14 Q. Okay. But you mentioned as part of the
15 investigation Mr. Schneider had sent you a copy of
16 the social media posts that were at issue?

17 A. Yes. He sent me the social media posts as
18 well as the fact finding notes from the meeting.

19 Q. All right. I'd like to show you the two
20 videos, just the still shots of them. We're not
21 going to play the videos for you. I just want to
22 show you the still shots of them so you can identify
23 that these were the documents sent to you. Okay?

24 All right. So this is the first one. You
25 can see in the center of the picture it has a round

1 circle with a triangle that signifies to play a
2 video.

3 A. Yes.

4 Q. Is this one of the videos that was sent to
5 you, or does this represent one of the still shots
6 of the videos?

7 A. Yes.

8 Q. Okay. The next one? Okay. Was this
9 another one of the still shots that was sent to you?

10 A. Yes.

11 Q. And was this the final video, the second
12 video that was sent to you?

13 A. Yes.

14 Q. And was this the third still shot of the
15 vagina headdress that was sent to you?

16 A. Yes, it is.

17 Q. All right. What was your reaction when
18 you received these social media messages Ms. Carter
19 had sent to Ms. Stone in your role as labor
20 relations?

21 A. I had not personally seen anything as
22 egregious or disturbing as these videos. I found
23 them extremely offensive. I was actually -- I was
24 physically ill. I had to leave my office.

25 Q. Okay. And when you saw them, did you

1 consider this to be kind of part of the intra-Union
2 squabbles that you had been hearing about as part of
3 your role as labor relations manager?

4 A. I was not looking at this --

5 MR. CHAPPELL: Objection. Foundation and
6 leading.

7 THE ARBITRATOR: Well, let's break that
8 down. Would you repeat her question?

9 THE REPORTER: Question: "And when you
10 saw them, did you consider this to be kind of part
11 of the intra-Union squabbles that you had been
12 hearing about as part of your role as labor
13 relations manager?"

14 THE ARBITRATOR: Let's dice that up in
15 about two or three questions, was there -- are you
16 aware of a conflict, did you consider this part. He
17 may not know -- I bet you do, but I do anyway.

18 MS. GEHRKE: Okay. Fair enough.

19 MR. CHAPPELL: Just so the record's
20 clearer? And I'm assuming you're denying the
21 objection on leading?

22 THE ARBITRATOR: No, I'm actually granting
23 it.

24 MR. CHAPPELL: Okay.

25 THE ARBITRATOR: I want her to rephrase

1 it, parcel it out.

2 MR. CHAPPELL: Thank you.

3 BY MS. GEHRKE:

4 Q. Ms. Emlet, in your role as labor relations
5 manager, were you aware of any disputes going on
6 within the Union?

7 A. Yes, I was.

8 Q. Okay. And what was, quickly, the summary
9 of kind of what the concerns were?

10 A. I'm not sure if it's accurate to say
11 within the Union or if it's more accurate to say
12 within the membership. I know that there was a
13 large group of flight attendants who did not believe
14 that the current Union leadership should be in
15 office, and they were actively working to have that
16 leadership recalled.

17 Q. Okay. Now, when these social media posts
18 were sent to you, did you believe that this was kind
19 of part of the social media -- let me back up.

20 As part of the kind of disputes going on
21 within the membership regarding Union leadership,
22 did those disputes play out on social media?

23 A. They have played out on social media. In
24 these posts, Ms. Carter specifically called out the
25 TWU AFL-CIO. I at that time had no idea of

1 Ms. Carter's opinion about the current Union
2 leadership. To me this post was -- as potential for
3 any kind of violation, my opinion was that this was
4 one employee attacking another employee via social
5 media. And the -- her feelings or opinions about
6 Union leadership to me were irrelevant because the
7 issue was, did she violate any policies by sending
8 these messages and videos and screenshots to another
9 employee.

10 Q. Now, as part of the Company's
11 investigation, did you learn whether or not
12 Ms. Carter had made these similar posts on her
13 public Facebook page?

14 A. Yes, I did.

15 Q. Okay. And how did you learn about those
16 public posts?

17 A. One of our employee resources specialists
18 who was working on the case sent those to me as part
19 of my investigation and the base investigation.

20 Typically, anytime we have an allegation
21 of a social media violation, we will go to the
22 employee's public Facebook page and because we need
23 to verify are these real, did they really come from
24 that person. It's just part of the cross-check and
25 verification process.

1 Q. Okay. And are you very familiar with
2 social media?

3 A. No, I'm not.

4 Q. Are you aware that Facebook does have
5 privacy settings?

6 A. I am now.

7 Q. Okay. So when Southwest went to
8 Ms. Carter's Facebook page, they were looking at
9 only the information that was publicly available?

10 A. Yes, on the public page, available to
11 anyone to view.

12 MR. CHAPPELL: I wasn't watching the
13 screen. Is this the Facebook one or is this still
14 the Messenger one? I don't know if you -- did you
15 change?

16 MS. ARMSTRONG: Yeah, they're all -- it's
17 these three.

18 MS. GEHRKE: Okay. So these were the
19 ones.

20 MR. CHAPPELL: That one seems to be the
21 Messenger one.

22 MS. GEHRKE: It's the same post both in
23 Messenger and on the public Facebook page?

24 MR. CHAPPELL: I -- if you're going to
25 talk about whatever you found by going through her

1 public Facebook page, I think we should see it, not
2 the Messenger one.

3 MS. GEHRKE: All right. We can try to
4 find that.

5 THE ARBITRATOR: I think that's a valid
6 point.

7 MR. CHAPPELL: Without seeing it, we don't
8 know what the commentary --

9 MS. GEHRKE: Maybe give us a second to
10 pull it up.

11 MR. CHAPPELL: Yeah, sure.

12 THE ARBITRATOR: Off the record.

13 (Off record from 10:52 to 10:53)

14 (Company Exhibit 7 marked)

15 MS. GEHRKE: Can we go back on the record,
16 please?

17 THE ARBITRATOR: Sure.

18 MS. GEHRKE: Before we move to the public
19 Facebook posts, I would like to introduce the
20 Messenger posts into evidence. That's Company
21 Exhibit 7. These are the Messenger ones.

22 MR. CHAPPELL: Okay. And this is what you
23 blew up on the screen?

24 MS. GEHRKE: Yeah, the first ones.

25 MR. CHAPPELL: And you're not suggesting

1 by using the screen that the witness or anyone else
2 viewed these at that size or anything?

3 MS. GEHRKE: No, these were submitted to
4 the Company by Ms. Stone. It was part of her
5 complaint.

6 MR. CHAPPELL: Okay. I can ask her
7 questions about it.

8 THE ARBITRATOR: Okay. So no objection to
9 7, may clear it up on cross?

10 MR. CHAPPELL: Hang on just a second. And
11 these are represented that they are the Messenger
12 ones from Ms. Carter to Ms. Stone?

13 MS. GEHRKE: Correct.

14 MR. CHAPPELL: Okay. If you can give me a
15 second.

16 THE ARBITRATOR: Uh-huh.

17 MS. GEHRKE: Okay. So Exhibit 7 is the
18 Messenger posts from Ms. Carter to Ms. Stone.
19 There's two videos which are part of --

20 THE ARBITRATOR: When you say Messenger,
21 do you mean the Instant Messenger?

22 MS. GEHRKE: Well, Facebook has a wall
23 where you post, and then there's like a chat feature
24 which is called Messenger. So these were private
25 messages between Ms. Carter and Ms. Stone.

1 THE ARBITRATOR: Okay.

2 MS. GEHRKE: So there's two videos and
3 then a still shot which we're calling the vagina
4 headdress shot.

5 MR. CHAPPELL: And one other. There's
6 two? That's a still shot too.

7 MS. GEHRKE: The second -- page 2 is a
8 continuation of the first video post.

9 MR. CHAPPELL: Okay. So you're not
10 including the picture in the submission?

11 MS. GEHRKE: Well, it's all -- if you read
12 the text, it all continues. It's all part of the
13 same first video.

14 MR. CHAPPELL: Okay. But there's a
15 picture.

16 MS. GEHRKE: We're not getting into that.

17 MR. CHAPPELL: So you're not really
18 submitting this picture?

19 MS. GEHRKE: Well, to the extent it's part
20 of the first video post, it's in the record, but
21 we're not -- I'm not saying that this picture is a
22 video or anything like that.

23 MR. CHAPPELL: Okay. And you're not
24 saying that this picture is offensive or anything?

25 MS. GEHRKE: Well, we can testify about

1 that. I'm not here to testify. She can testify
2 about it.

3 MR. CHAPPELL: Okay. I'll clear that up
4 with her then.

5 THE ARBITRATOR: How about if I put a
6 big -- okay.

7 MR. CHAPPELL: Right. And it's easy to
8 tell what are videos here. And you're familiar with
9 seeing those little --

10 THE ARBITRATOR: Uh-huh.

11 MR. CHAPPELL: Right. And if that's not
12 there, it's not a video. Okay. On the last page
13 not there. In light of all of that, I have no
14 objection to it being admitted.

15 THE ARBITRATOR: Uh-huh.

16 MS. GEHRKE: Okay. So number 7 is in
17 then?

18 THE ARBITRATOR: Yes.

19 MS. GEHRKE: Okay. All right. I'm going
20 to mark now Southwest Company Exhibit No. 8.

21 (Company Exhibit 8 marked)

22 BY MS. GEHRKE:

23 Q. Ms. Emlet, can you identify for us what
24 Southwest Company Exhibit No. 8 is.

25 A. Yes. These are photos of postings that

1 were on Ms. Carter's public Facebook page.

2 Q. Okay. So can you tell us what the first
3 page is? Is that one of the videos that was on the
4 private Messenger to Ms. Stone as well?

5 A. I believe that this is a still shot from
6 one of the videos that was sent, yes.

7 Q. Okay. Page 2, same thing?

8 A. Yes.

9 Q. Okay. And then this is --

10 A. Page 3 shows Ms. Carter in her Southwest
11 flight attendant uniform along with her crew
12 members.

13 Q. And this was on her public Facebook page?

14 A. Yes.

15 Q. Page 4?

16 A. This is a picture that was on her Facebook
17 page of a button saying to give Herb his old job
18 back.

19 Q. And who's Herb?

20 A. Herb Kelleher, our found -- one of our
21 founders.

22 Q. Thank you.

23 A. And then the next page is a picture of
24 Charlene's flight attendant wings, her -- I'm not
25 sure if this is the 20-year pin. I think it is the

1 20-year pin and then a flag of the United States and
2 Israel. And the next page is the same shot with
3 some commentary. "Live at 35" is one of the
4 campaigns that we sponsor in the air. We sponsor
5 different concerts throughout the company, and we
6 get the artists to come on the airplane and actually
7 sing songs on the airplane. It's live at
8 35,000 feet.

9 The next shot is on one of our aircraft
10 with Ms. Carter and two coworkers in their flight
11 attendant uniforms and their ID badges around their
12 necks. This is a photo of Ms. Carter's -- one of
13 Ms. Carter's friends who is a Southwest pilot and
14 her husband who is a pilot at Frontier, I believe.

15 And I'm not sure what this last picture is
16 except that Ms. Carter is in the photo. She says
17 she's headed to D.C. So I'm not sure what that was
18 for.

19 Q. Okay. But all of these -- the entire
20 packet of Southwest Company Exhibit No. 8 was on her
21 public Facebook page. Is that right?

22 A. That's correct.

23 MS. GEHRKE: We move to admit this into
24 evidence.

25 MR. CHAPPELL: The -- give me a moment.

1 THE ARBITRATOR: Uh-huh.

2 (Off record from 11:00 to 11:01)

3 MR. CHAPPELL: I have no objections, but
4 we'll discuss these a lot.

5 THE ARBITRATOR: Okay. Then it'll be
6 admitted.

7 BY MS. GEHRKE:

8 Q. Ms. Emlet, can you explain how these
9 public posts factored into the investigation?

10 A. Yes. They factored in because of the fact
11 that she clearly identifies herself as an employee
12 of Southwest Airlines and that our social media
13 policy clearly states that if you are identifiable
14 as a Southwest Airlines employee, that the public
15 opinion of Southwest can be influenced based on
16 the -- based on what you post through social media.
17 So the nexus to the workplace is that she identified
18 herself as an employee of Southwest Airlines.

19 Q. Okay. And did you discuss with the base
20 managers your belief as to whether Ms. Carter's
21 public posts violated the Company's policies?

22 A. Yes. After the base manager completed his
23 investigation, he contacted me and recapped all of
24 the evidence. I asked him what he wanted to do,
25 what his opinions were. He stated that he believed

1 that she had violated the social media policy both
2 for personal attacks but also for the public image,
3 and I agreed with him that that was what I believed
4 as well.

5 Q. Okay. And had you worked with
6 Mr. Schneider before on employee discipline issues?

7 A. Yes.

8 Q. And how would you describe Mr. Schneider's
9 approach generally to employee discipline issues?

10 A. I think that Mr. Schneider is extremely
11 thorough. He is very levelheaded and unemotional in
12 his decisions. He -- I think that he takes it very
13 seriously when there is the possibility of someone
14 losing their employment, and he does not take it
15 lightly. He does not make decisions lightly.

16 I find him to be one of our better base
17 managers who's very experienced and seasoned, and
18 he -- sometimes he gets too much in the weeds for
19 me, but I know that he has looked at every detail.

20 Q. And did you and Mr. Schneider discuss how
21 Ms. Carter's alleged violations compared to other
22 social media violations that the Company had
23 considered?

24 A. Yes, we did.

25 Q. And what did you discuss about that?

1 A. I felt that through my research of other
2 cases, this was the most egregious that I had seen,
3 the most graphic. I felt like it was absolutely
4 intended to be a personal attack as well as the
5 public image and the connection to Southwest. I
6 felt like this was one of the more egregious cases I
7 had seen.

8 Q. And you shared that with him?

9 A. Yes, I did.

10 Q. Okay. Whose decision was it to terminate
11 Ms. Carter?

12 A. Mr. Schneider.

13 Q. And did he consult with you as part of
14 making that decision?

15 THE ARBITRATOR: Will we hear from
16 Mr. Schneider?

17 MS. GEHRKE: We will.

18 BY MS. GEHRKE:

19 Q. He consulted with you in coming up with
20 that decision?

21 A. Yes, he did.

22 Q. Was there anybody else, to your knowledge,
23 involved in the decision to terminate Ms. Carter?

24 A. The decision is ultimately the
25 responsibility of the leader who conducted the fact

1 finding. There are multiple people involved in
2 discussing the issue prior to the leader making that
3 final decision.

4 Q. Okay. And who would that be?

5 A. The -- he would have consulted in this
6 particular case with employee relations because of
7 the potential for a violation of the harassment and
8 discrimination policy. He would have consulted with
9 the human resources business partner, the HRBP,
10 because of the potential of violation of the
11 bullying and hazing policy. They oversee that
12 policy. And he would have consulted with his
13 immediate leaders to ensure that his leader knew the
14 decision that he was making and that that leader did
15 not have any objections or concerns.

16 Q. Okay. What was your view regarding the
17 appropriateness of termination?

18 A. I thought termination was absolutely
19 appropriate.

20 Q. Okay. And did Ms. Carter grieve her
21 termination?

22 A. Yes, she did.

23 Q. And what's the next step of the grievance
24 process under the collective bargaining agreement?

25 A. In our agreement with the TWU 556, the

1 next step would be called a step 2 hearing, and that
2 is when Ms. Carter came to -- would have come to
3 headquarters to have another hearing with the
4 director of inflight operations.

5 Q. And who is that?

6 A. Mike Sims.

7 Q. And do you know if that happened?

8 A. Yes, it did.

9 Q. And were you involved in that step 2
10 hearing?

11 A. I was not.

12 MS. GEHRKE: Okay. No further questions
13 for you. Thank you.

14 MR. CHAPPELL: If I may have a moment to
15 consult and organize myself.

16 THE ARBITRATOR: Seven minutes.

17 MR. CHAPPELL: Okay. Thank you.

18 (Recess from 11:07 to 11:20)

19 THE ARBITRATOR: I'm a little concerned
20 about time. You try to develop a cadence in these
21 cases, but hear me on this. Everybody's going to
22 get a chance to put on their case and time is really
23 no -- it doesn't make me any difference. If we can
24 be more effective, we can. If we can't, that's
25 okay. So after awhile we'll get to know each other

1 a little better and we can speak in shorthand and
2 get to the point, but why don't you go ahead and
3 cross-examine this witness.

4 MS. GEHRKE: Before we start, I did want
5 to give you a copy of the grievance packet which is
6 Joint Exhibit 2.

7 THE ARBITRATOR: Joint 2?

8 MR. CHAPPELL: Okay.

9 MS. GEHRKE: So we added that second
10 piece.

11 MR. CHAPPELL: Right. Okay. Great.

12 THE ARBITRATOR: You can verify it and
13 I'll look at it after lunch.

14 CROSS-EXAMINATION

15 BY MR. CHAPPELL:

16 Q. When you looked at Ms. Carter's personnel
17 file and looked at this, were there any other issues
18 of violations or discipline or investigations of
19 social media violations?

20 A. I looked in her most recent 18 months of
21 her personal file. There were no violations, but
22 she also really didn't work during that time. But
23 the answer's no, I didn't find any other violations.

24 Q. And under the collective bargaining
25 agreement, when you're considering discipline am I

1 correct that you are not to look back more than 18
2 months in making that determination?

3 A. That's correct.

4 Q. Okay. And, yeah, if you want to look at
5 that. I just want to -- is one of -- could I -- I
6 haven't gotten my copy of that yet. I have it in a
7 different format.

8 I show you what's been marked as Joint
9 Exhibit No. 1, which is the collective bargaining
10 agreement. Do you agree that's what it is?

11 A. Yes.

12 Q. Okay. And then I'm directing your
13 attention. It's marked as page 19-140 --

14 A. Yes.

15 Q. -- which is actually Article 19, Section
16 3, Subsection J.

17 A. Okay.

18 Q. Okay? And is that -- did I -- is that
19 what I just described and you agreed that in
20 deciding discipline you're not to go back more than
21 18 months?

22 A. We are not to go back more than 18 months
23 with the exception of if older information is used
24 to impeach the testimony.

25 Q. Was there any -- where does the

1 impeachment occur? Is that during the fact finding?

2 A. No, it would be during board of adjustment
3 or arbitration.

4 Q. Okay. So for the fact finding and for the
5 determination to terminate Ms. Carter, you would not
6 have gone back more than 18 months?

7 A. That's correct.

8 Q. And at that point there's no basis for
9 impeachment?

10 A. That's correct.

11 Q. Okay. Then let me direct you so that we
12 don't miss anything. If you could just read that
13 first sentence of Subsection J.

14 A. "Disciplinary decisions shall be based
15 only on performance and/or conduct occurring within
16 the 18-month period of active status preceding the
17 incident in question."

18 Q. Correct. So would posting on Facebook be
19 conduct?

20 A. Yes.

21 Q. And let's look at Southwest Exhibit 8.
22 You should -- in fact, it's right in front of you, I
23 believe. And I just need to get my copy, and I have
24 it. And I want to -- it's a multipage exhibit,
25 correct?

1 A. Yes.

2 Q. Okay. And after the first two pages, the
3 remaining pages of that exhibit are basically
4 pictures that the Company alleges that Charlene
5 posted on Facebook. Am I correct?

6 A. Yes.

7 Q. Okay. And I believe your testimony was
8 also that someone -- and you identified who it
9 was -- at Southwest went through Ms. Carter's
10 Facebook page and found these pictures. Is that
11 correct?

12 A. Yes. They were sent to me via e-mail, and
13 then I actually went onto the Facebook page to
14 confirm that they actually did come from that
15 source.

16 Q. Right. What steps were taken by the
17 Company to assure that all of these pictures were
18 conduct that she posted within the 18 months before
19 the incident occurred?

20 A. That is not -- I don't -- I don't see the
21 relevance to that. I'm not sure -- maybe I don't
22 understand your question.

23 Q. Well, you testified that posting on
24 Facebook is conduct. I would agree with that.
25 Anything you do is almost conduct. It takes an act

1 to post on Facebook.

2 A. Uh-huh.

3 Q. And you also read from the collective
4 bargaining agreement, and it speaks for itself, that
5 disciplinary decisions shall be based only on
6 performance and/or conduct occurring within the 18
7 months prior to the incident.

8 A. That speaks to what we can review in
9 determining the discipline. We cannot go back more
10 than the 18 months. There is also verbiage in the
11 contract that speaks about that the Company will
12 have seven days to investigate within -- from the
13 time that the Company was made aware of the
14 allegations.

15 So for the purposes of our collective
16 bargaining agreement, the date that these were
17 actually posted on Ms. Carter's page is not as
18 relevant as the timing of when they were brought to
19 our attention.

20 Q. But if these pictures were actually posted
21 more than 18 months and the date in question is
22 somewhere in February of 2017, so someone can -- I'm
23 not good at math, so someone can do the math for 18
24 months. So if they were posted like in 2012, we all
25 agree that's more than 18 months from the incident,

1 right?

2 A. Yes.

3 Q. Or if they were posted in 2013 to show
4 that she is a Southwest and supposedly to bring
5 Southwest into the issue of the social media policy,
6 how is that compliant with the collective bargaining
7 agreement?

8 A. Because they were brought to our attention
9 on -- I'm not sure what date. I'd have to look that
10 up, but sometime in February of 2017. And aside
11 from the fact that I believe Ms. Carter requested a
12 few extensions of time frames to hold her fact
13 finding meeting because she was not available, we
14 complied with the investigation being completed
15 within seven working days of the Company's knowledge
16 of the allegations.

17 Q. You don't know when these pictures were
18 taken, do you?

19 A. No.

20 Q. You don't know when they were posted on
21 Facebook?

22 A. No.

23 Q. You don't know when the conduct, my client
24 committed the conduct that's now being used to
25 assess discipline that actually is the most serious,

1 it's capital punishment, it's termination, do you?

2 A. The pictures that were posted on the
3 public page and considered in the evaluation of
4 rendering discipline were just one part. The
5 investigation was initiated because of the private
6 messages that Ms. Carter sent to Ms. Audrey Stone,
7 and during that investigation these violations were
8 also uncovered.

9 For our purposes of the collective
10 bargaining agreement, we are held to time frames of
11 when the Company has reasonable knowledge of an
12 action that may or may not have violated any
13 policies or work rules.

14 Q. I'm not asking about the time you took to
15 investigate. I'm asking about the evidence that you
16 used and whether it was conduct within 18 months to
17 then build the case that she had violated a social
18 media policy by her public posting on Facebook.

19 A. That was one of the ways that she violated
20 the policy.

21 Q. But the only way that you -- and you put
22 it in -- this is your exhibit and you've testified
23 to it. The only way that there's a violation of the
24 policy is if she has associated herself -- in other
25 words, if the public in looking at her Facebook

1 page, in looking at the postings that she made on
2 the first two pages of Exhibit 8 would be able to
3 associate that with the airline, correct?

4 A. The violation is that it doesn't really
5 make any difference when she posted these pictures
6 that she worked for Southwest. The fact of the
7 matter is that at the time that these pictures were
8 posted and when we discovered them, she still had
9 these same photos that -- the violation isn't that
10 she identifies herself as a flight attendant.

11 The violation is that she's identified
12 herself as a flight attendant for Southwest Airlines
13 and is making this very public, graphic post about
14 murder and abortion. And, I mean, even the wording
15 in here, "If it's your body, your choice, who is
16 this laying in this fucking bowl," I find that very
17 offensive.

18 MS. CARTER: I didn't write that.

19 THE ARBITRATOR: If your point is that the
20 Company did not make an investigation to see when
21 pages 3, 4, 5, 6, 7, 8 were actually posted, and her
22 point is they were still there when this was posted,
23 I think she acknowledges that. We could brief that
24 if we would like.

25 MR. CHAPPELL: Okay. I want to do one

1 other follow-up.

2 BY MR. CHAPPELL:

3 Q. You don't know because you -- well, let me
4 ask it this way. Do you know how far away from this
5 posting that someone would have to scroll through
6 her Facebook page and how many either pictures and
7 go through albums or scroll down before they would
8 find any picture that would clearly identify to the
9 public that she was an employee of Southwest?

10 A. I cannot tell you definitively. What I
11 can tell you is that I am not very Facebook savvy,
12 and I had no problem finding the pictures of her in
13 her Southwest uniform and wings.

14 Q. Okay. So --

15 A. I don't remember scrolling very far.

16 Q. Describe what you did for -- because I
17 thought you said these pictures were provided to you
18 by an employee of yours.

19 A. I did. I did say that. I also testified
20 that once they were sent to me, I went to
21 Ms. Carter's Facebook page and I verified that these
22 posts were actually on her Facebook page.

23 Q. And then you also verified each of these
24 pictures?

25 A. I really don't --

1 Q. These pictures being the last -- I believe
2 there's six. Anyway, after the first two pages,
3 these pictures of Ms. Carter and -- let's number
4 this.

5 A. I can't tell -- this was probably eight
6 months ago, so I can't tell you for sure. I believe
7 I saw this picture of her with her crew members. I
8 do not remember whether or not I saw this button. I
9 remember these wings. I don't remember "Live at
10 35." And I remember this photo with Ms. Carter and
11 her two coworkers.

12 Q. But you don't remember that when you --
13 you went on and you found this photo.

14 A. Yes.

15 Q. You went on -- went into the computer or
16 whatever media you used to get into Facebook,
17 correct?

18 A. Yes.

19 Q. Okay. And you found this photo and you
20 found this photo. One -- well, they have the date
21 that they were posted. The first one is February 7?
22 Is that -- am I reading that correct?

23 MS. GEHRKE: What year?

24 MR. CHAPPELL: I don't -- it doesn't say
25 what year.

1 MS. GEHRKE: Okay. So it's 2017.

2 MR. CHAPPELL: Yeah. Okay. We all agree
3 that that means it's 2017.

4 BY MR. CHAPPELL:

5 Q. And the second page is February 14th,
6 correct, the date, again with no year?

7 A. Yes.

8 Q. Okay. Then the next -- the next thing you
9 see as you're looking down the Facebook scroll to
10 see these two, is it any of these pictures?

11 A. I don't know. I don't remember.

12 Q. You don't remember that it was those
13 pictures, do you?

14 A. I don't remember where they were.

15 Q. And you don't remember that in the "About"
16 section on her public Facebook page she made any
17 identification that she was employed by Southwest,
18 do you?

19 A. I don't recall going to the "About"
20 section.

21 Q. And so you -- a person, including
22 yourself, would have to go further in and further
23 away from these two postings to ever find any of
24 these pictures, right?

25 A. I don't know. But I --

1 Q. Well, you had to.

2 A. Well, I had to go past the first two posts
3 because otherwise they'd be on top of each other.

4 Q. And you had to go down quite a few
5 scrolls, didn't you? They didn't pop up as the next
6 pictures.

7 A. I don't remember.

8 Q. You don't remember that they popped up as
9 the next two pictures, do you?

10 A. I don't remember where they were in the
11 news or in the -- in the feed.

12 Q. Isn't it true that it probably took you
13 four or five minutes to find all these photos, if
14 not longer?

15 A. Well, when I'm conducting a complete and
16 thorough investigation, I don't think four or five
17 minutes is very long to spend on getting at the
18 truth.

19 Q. That wasn't my question. My question was,
20 didn't it take you --

21 THE ARBITRATOR: I understand your
22 question. Let's move on.

23 MR. CHAPPELL: Okay.

24 BY MR. CHAPPELL:

25 Q. Let me direct your attention to "Live at

1 35," I think it's better to describe it as they
2 don't have page numbers on it. How does this poster
3 show that you are employed at Southwest?

4 A. It does not.

5 Q. Okay. So if I was looking at this and saw
6 this on Charlene's Facebook page, I wouldn't
7 automatically know that she was a flight attendant?

8 A. I don't know what you would know.

9 Q. Well, a person -- there's no further
10 evidence to show that.

11 MS. GEHRKE: Is there a question with
12 that?

13 MR. CHAPPELL: No. I withdraw it. I
14 withdraw my comment.

15 BY MR. CHAPPELL:

16 Q. Look at the last photo which says "Headed
17 to D.C." And how would -- what is the identifying
18 feature that a random person on Facebook would see
19 here that would tell them, first of all, who
20 Charlene is and, second of all, that she's an
21 employee of Southwest?

22 A. I don't see anything identifying.

23 Q. Let's go to the first picture which is the
24 third page. Any public person looking at Charlene's
25 Facebook page, having seen the first two postings of

1 the first two pages and then continuing to scroll
2 for however long and coming up on this picture, how
3 did they know out of the blue that this is Charlene
4 and who is Charlene and that they're employees of
5 Southwest?

6 A. Well, we have millions and millions of
7 passengers every year. We have a very highly
8 identifiable aircraft painted sky canyon blue.
9 Anyone who has flown on Southwest recognizes our
10 uniforms. So I think that it's easy to see that if
11 you go to her page that that would -- she would be
12 employed by Southwest Airlines.

13 Additionally, we have -- whether someone
14 knows that they're Charlene or not, we have -- we
15 have many, many cases where our employees have been
16 disciplined for their overnight behavior because of
17 their being identifiable as Southwest employees.

18 Q. Again, you don't know when that picture
19 was either taken or put on her Facebook account?

20 A. No, I do not.

21 MR. CHAPPELL: Off the record. I'm going
22 to get my exhibit.

23 (Off record from 11:40 to 11:41)

24 MR. CHAPPELL: Okay. Back on the record.

25 THE ARBITRATOR: Sure.

1 BY MR. CHAPPELL:

2 Q. I'm going to ask you a couple questions
3 about Joint Exhibit No. 4 if you want to get that
4 before you before I start. It starts at 3.0.0.,
5 "Basic" -- yeah. And the first page is Section
6 3.0.0., correct?

7 A. Yes.

8 Q. And then if you turn to the second page of
9 Joint Exhibit 4, that is Section 3.2.0., correct?

10 A. Yes.

11 Q. And is it fair to assume that there's a
12 Section 3.1.0. in the full policy?

13 A. I'm sorry. Say that again?

14 Q. Is it fair to assume that there is a
15 Section 3.1.0. in the policy?

16 A. Yes.

17 MR. CHAPPELL: Then this will be -- how do
18 you want us to -- Grievant or Carter?

19 THE ARBITRATOR: CC-1.

20 MR. CHAPPELL: CC-1 works for me. Thank
21 you.

22 (Grievant's Exhibit CC-1 marked)

23 BY MR. CHAPPELL:

24 Q. I show you what's been marked as Charlene
25 Carter Exhibit No. 1 and direct your attention to

1 halfway down the first page and show you what's been
2 marked as 3.1.0. --

3 A. Yes.

4 Q. -- which appears to have been omitted from
5 Joint Exhibit No. 4.

6 A. Yes.

7 Q. Correct? Okay. But you do recognize that
8 as 3.1.0. of the policies?

9 A. Yes.

10 Q. Okay. And --

11 A. No, not the policies. These are the work
12 and conduct rules and expectations. The Company
13 policies are housed in a separate area.

14 Q. Okay. Thanks for that clarification.
15 You testified earlier that the violation of bullying
16 and hazing, the violation of the social media policy
17 and the violation of the harassment policies were
18 not technically a Class I --

19 A. Yes.

20 Q. -- violation. Is it -- is this a --
21 number one, does that show the descriptions of what
22 Class I violations are?

23 A. Yes.

24 Q. Then where would you think that most
25 likely the -- let's say harassing, violation of the

1 harassing, what class would that fall under?

2 A. Harassing falls under the harassment and
3 discrimination policy.

4 Q. But which class?

5 A. It doesn't fall under a class necessarily.
6 That's why this says "Flight Attendant Work Rules
7 and Expectations and Company Policies." So there
8 are many, many times that a flight attendant or any
9 employee that is covered by a collective bargaining
10 agreement or work and conduct rules could be
11 disciplined for violation of the policies that apply
12 to all employees. Other times they may be in
13 violation of the work and conduct rules that are
14 outlined for that specific work group.

15 Q. Direct your attention to the second page
16 of CC-1.

17 A. Yes.

18 MR. CHAPPELL: And I also for the record
19 will note that I did the highlighting.

20 THE ARBITRATOR: That's fine. I
21 appreciate it.

22 MR. CHAPPELL: And the black marks that
23 look like scribbles are also mine. And I apologize
24 that I didn't realize I was writing on the only one
25 that we had here, and I trust with that

1 clarification that it's okay.

2 THE ARBITRATOR: Sure.

3 MR. CHAPPELL: And I move that this be
4 admitted.

5 MS. GEHRKE: No objection.

6 MR. CHAPPELL: Okay.

7 BY MR. CHAPPELL:

8 Q. So looking now at that second page, Class
9 II, number 3 --

10 A. Yes.

11 Q. -- which I highlighted, would that
12 possibly be somewhat similar to a violation of a
13 harassment policy or bullying policy?

14 A. Possibly.

15 Q. And if that were so, it would then be
16 considered a Class II violation?

17 A. It could be.

18 Q. Now if we look at I think it's the third
19 page of the exhibit, if we look at Class IV.

20 A. Yes.

21 Q. Then Class IV continues on the next page,
22 correct?

23 A. Yes.

24 Q. Okay. If we look at number 6, would that
25 somewhat be similar or could include the social

1 media policy?

2 A. Oftentimes there are violations of work
3 and conduct rules via social media. So there could
4 be a combination of violations. It could be a
5 violation of a Company policy in addition to
6 violating one or more of the work and conduct rules.

7 Q. But it could fall under a Class IV
8 violation?

9 A. Depending on the circumstances.

10 Q. And then looking back at Joint
11 Exhibit No. 4.

12 A. Yes.

13 Q. It does include then under which class
14 this might have fallen how the discipline is
15 handled --

16 A. Yes.

17 Q. -- what are the options. Correct?

18 A. Yes.

19 Q. Okay. And we have Class IV covered there
20 and we have Class II covered there, correct?

21 A. Yes.

22 MR. CHAPPELL: Then we're going to look
23 at -- I think it's number 7 that is the Audrey
24 postings.

25 THE ARBITRATOR: Do you want to borrow

1 that?

2 MR. CHAPPELL: Yeah. Thank you.

3 THE ARBITRATOR: Sure.

4 BY MR. CHAPPELL:

5 Q. Do you have that in front of me? I don't
6 want -- well, let me ask it this way. Did you
7 testify that Ms. Carter had said that Ms. Stone was
8 supporting murder? Is that what I remember you
9 testifying to?

10 A. She sent this directly to Ms. Stone, and
11 at the top it states "TWU-AFL-CIO and 556 are
12 supporting this murder."

13 Q. You also testified that you did not
14 consider this to be part of a Union squabble or
15 something like that, whatever was going on in the
16 membership? Is that correct?

17 A. I did not consider it as part of a Union
18 squabble. However, even if it was part of a Union
19 squabble, it was highly inappropriate and
20 unacceptable.

21 Q. Well, just show me where Ms. Carter says
22 that Ms. Stone is supporting murder.

23 A. Well, she sent this to Ms. Stone, so I'm
24 assuming that that's what she meant.

25 Q. Well, she said what she meant. It's

1 written there at the top. So you made an assumption
2 on what she said and didn't look at just what she
3 said?

4 A. She did not, to my knowledge, send this to
5 anyone else. She sent it directly to Ms. Stone.
6 And of course Ms. Stone is the president of the 556.
7 And then she went on to say, "You are nothing but a
8 sheep in wolves clothing, you are just so
9 uneducated, and you have not a clue who or what you
10 were marching for."

11 Q. Okay. Do you know that when you send
12 videos or share them that you have gotten from
13 another place, the actual statement that was
14 originally put by someone else may also go with
15 them?

16 A. No, I don't know that.

17 Q. Okay. And that you get to write at the
18 top if you want to say something, if you want to
19 post something or share something? Did you know
20 that about Facebook?

21 A. I -- I don't know if I've ever shared a
22 video on Facebook.

23 Q. Okay. Do you see about halfway down, it's
24 kind of in blue, "My Page - My Opinions"?

25 A. Yes.

1 Q. And then there's some kind of a little
2 symbol, a circle?

3 A. Yes.

4 Q. Okay. And are you aware that that
5 reflects some other member of Facebook and their
6 comments?

7 A. No.

8 Q. So you assumed again that Ms. Carter had
9 written "Did you know" and the rest of that
10 paragraph?

11 A. Well, I believe in her fact finding she
12 said she did send these and that she did write this.
13 And then she goes on to state that, "This is what
14 you supported during your paid leave while (sic)
15 others at the women's march in D.C."

16 So I think it's pretty clear if you look
17 at the totality of the postings that her intent was
18 to send this directly to Ms. Carter, that these
19 comments -- or, excuse me, to Ms. Stone and that
20 these comments were directed at her.

21 Q. But you -- in your testimony earlier you
22 ascribed to my client that she said to Ms. Stone
23 that she was a sheep in wolf's clothing.

24 A. That's my understanding of this, yes.

25 Q. But you didn't check that out, and I've

1 just shown you how it's possible that this came from
2 someone else.

3 A. Well, I believe that you'll find that she
4 said in her fact finding meeting she did send this
5 and that that was her -- what she intended to
6 communicate.

7 Q. Well, she'll be able to testify as to what
8 she said in the fact finding. We may revisit that
9 whole area.

10 On the second page, do you see at the top
11 "Video Abortion"?

12 A. Yes.

13 Q. It's a little hard to read, but I think
14 I'm reading it right, with some other language and
15 then again that circle with what, probably some kind
16 of a picture?

17 A. Yes.

18 Q. Okay. And again, would it surprise you to
19 know that that are comments by someone other than
20 Ms. Carter and that's how you know that that is
21 someone else's comments?

22 A. What I know is that whether Ms. Carter is
23 the original author of this or not, she's the one
24 who selected that language to forward to Ms. Stone
25 and direct it to Ms. Stone.

1 Q. And you don't know enough about Facebook
2 or Messenger to know whether you can pull out a
3 video that is -- that you're sharing that has other
4 comments in it and not let those comments go with
5 it, do you?

6 A. No, I don't know.

7 Q. And let's look at the last page. Yeah,
8 you already have it. You have no idea where
9 Ms. Carter got this picture?

10 A. That's correct.

11 Q. Or who may have posted it originally or
12 whether they were connected with the march or the
13 Union or anything like that?

14 A. No idea.

15 MR. CHAPPELL: (To Ms. Gehrke) That's the
16 last page.

17 BY MR. CHAPPELL:

18 Q. You also testified that you were
19 provided -- you were not at the fact finding,
20 correct?

21 A. That's correct.

22 Q. But that you were provided the fact
23 finding notes and you reviewed them as part of your
24 involvement --

25 A. Yes.

1 Q. -- in the termination, correct? Whose
2 fact finding notes did you review?

3 A. Well, Ed Schneider and Meggan Jones were
4 at the fact finding meeting. I can't testify to how
5 those notes were finalized.

6 Q. Okay. But my question was, whose fact
7 finding notes did you review?

8 A. Well, I -- at the fact finding meeting
9 Meggan was the main note taker. Generally speaking,
10 the way that it works is the person conducting the
11 fact finding meeting takes their own handwritten
12 notes while the other one probably takes typewritten
13 notes. The note taker prepares those notes, and
14 then the person who was conducting the fact finding
15 meeting reviews them for accuracy.

16 Q. Okay. And so Meggan was the one that took
17 the notes, as you understood it?

18 A. Yes.

19 Q. Okay. And who is Meggan again?

20 A. She's the assistant base manager in
21 Denver.

22 MS. GEHRKE: And she will be testifying.

23 MR. CHAPPELL: Okay.

24 BY MR. CHAPPELL:

25 Q. And even though you reviewed those

1 notes -- well, let me ask you. How instrumental
2 were those notes for you to make your decision and
3 to approve the recommendation and support the
4 recommendation of termination made by the base
5 manager?

6 A. So the supporting of the decision is the
7 key there.

8 Q. Okay.

9 A. Because I don't make the decision. But I
10 think that the notes are always very impactful
11 because that's the opportunity for the flight
12 attendant to come in and tell their side of the
13 story, give us any information or documentation that
14 would be considered in making that decision.

15 Q. And it's your -- those notes have not been
16 shared with either me or Ms. Carter to prepare for
17 today.

18 A. Those are internal documents. We do not
19 share them with the Union or with anyone outside of
20 the team.

21 Q. One of the things you said that you liked
22 about the -- is it Schneid -- how do you pronounce
23 it?

24 A. Ed Schneider.

25 Q. Schneider -- was that he looked at every

1 detail, he is very detailed?

2 A. I find him to be a very detailed person,
3 yes.

4 Q. Okay. What were some of the details that
5 you found important in this fact finding that he
6 looked at that impressed you?

7 A. Well, off the top of my head, I thought
8 that the fact that he recognized that there was the
9 potential for violation of the harassment policy was
10 important because he was proactive in engaging our
11 employee resources team who are the experts on
12 managing that policy. He also recognized that there
13 was a potential violation of the workplace bullying
14 policy and engaged the HRBP. He reviewed all of the
15 social media -- well, all of those policies plus the
16 social media policy. He reviewed her work record.
17 He consulted with me on consistent practice.

18 So I -- and I felt that he conducted a
19 very thorough fact finding meeting. Without looking
20 back, I'd have to look back at the notes, but I felt
21 that he asked a lot of very insightful and thorough
22 questions.

23 Q. And when you say that he looked at her
24 whole record, did he reveal to you that she's -- in
25 her whole 21-year career has had no discipline, no

1 questions, no anything about social media, about
2 harassing, about bullying, about any of these
3 matters?

4 A. No. He told me that within the last 18
5 months there was no discipline in her record.

6 Q. And did he tell you about the various
7 customer appreciations, awards, great audits that
8 she had received during those 21 years?

9 A. No. Since we are only per the contract
10 allowed to look at the past 18 months, there is
11 nothing in her file for the last 18 months because
12 she hasn't flown. So she can't get a customer
13 commendation without having flown.

14 She did fly a few days in '15 and '16, I
15 believe. I don't know whether or not there are
16 commendations, but if there had been, those of
17 course would have been considered in -- and that
18 would be a question for him, whether he considered
19 those, if there are any. I don't know.

20 Q. Did he tell you that the first ten years
21 or so she was very active until she became pregnant
22 and flew a lot and was a --

23 MS. GEHRKE: I'm going to object. She's
24 already testified all the old stuff's not relevant,
25 just to move this along.

1 THE ARBITRATOR: I'll let you answer that
2 question, and then we're going to move on to
3 something else.

4 A. He told me he reviewed the most recent 18
5 months.

6 BY MR. CHAPPELL:

7 Q. You also mentioned how she -- I believe
8 you used the term traded her trips and that's why in
9 your testimony she hadn't worked?

10 MS. GEHRKE: I'm going to object. I think
11 that misstates the testimony.

12 BY MR. CHAPPELL:

13 Q. Okay. Tell me -- she was an employee of
14 the Company even though you testified she hadn't
15 worked, right?

16 A. That's correct.

17 Q. And is there a procedure that allows
18 flight attendants to get assignments and then be
19 able to let someone else take that assignment?

20 A. Yes.

21 Q. Okay. I don't know all the terminology,
22 so I know you do, but I apologize for that, but
23 anyway. And is that part of the collective
24 bargaining agreement?

25 A. Yes.

1 Q. Okay. So the fact that she may or may not
2 have worked during the last 18 months in the sense
3 that she actively flew was not in any way contrary
4 to the collective bargaining agreement, was it?

5 A. That's correct.

6 Q. And she had the right under the collective
7 bargaining agreement to perform her services in that
8 way and trade off when she was assigned?

9 A. That's correct.

10 Q. And it is true that during the last 18
11 months and longer, but we'll just stick with the
12 last 18 months, she has been assigned routes and to
13 take trips, correct?

14 A. Yes.

15 Q. And that her trading off and having
16 someone else perform that was not a violation of the
17 collective bargaining agreement or the Company
18 policy, correct?

19 A. That's correct.

20 MR. CHAPPELL: If I could have just one
21 minute to confer with cocounsel.

22 THE ARBITRATOR: Uh-huh.

23 MR. CHAPPELL: If we could go off the
24 record a minute.

25 THE ARBITRATOR: We're off the record.

1 (Off record from 12:04 to 12:06)

2 BY MR. CHAPPELL:

3 Q. In your position as -- why don't you tell
4 me again what your title is. I apologize.

5 A. That's okay. Manager of labor relations.

6 Q. Manager of labor relations. Would you
7 know possibly whether some flight attendants are
8 currently employed at Southwest?

9 A. I -- I might know.

10 Q. Okay. Ricky Spand, S-P-A-N-D, is he
11 currently employed?

12 A. I'm actually not sure about Ricky.

13 Q. Okay. Do you know whether he was ever
14 terminated from Southwest?

15 A. I would have to go back and look at the
16 record. I know that he has had issues that I have
17 dealt with. I can't tell you -- I've never been
18 involved in his termination.

19 Q. Okay. But you do remember within the last
20 couple of years or while you've been in this
21 position, which I think you said five and a half
22 years --

23 A. Yes.

24 Q. -- that there have been some issues with
25 Ricky?

1 A. Yes.

2 Q. Is there a way that you during maybe the
3 lunch break or something you can call and check
4 those records? Maybe they're available here?

5 MS. GEHRKE: I'm going to object. She has
6 no duty to go and look for answers. This is not
7 discovery.

8 THE ARBITRATOR: I've not ever seen that
9 done.

10 MR. CHAPPELL: Okay.

11 THE ARBITRATOR: In a perfect world maybe
12 we'd have all the information we need, but this is
13 labor arbitration and it's not a perfect world.

14 MR. CHAPPELL: True.

15 BY MR. CHAPPELL:

16 Q. Okay. Brian Talburt. I have two
17 spellings for the name. T-A-L-B-E-R-T? Is that the
18 right one?

19 A. U-R-T.

20 Q. Okay. I had that one too. Okay. Thank
21 you. Do you know whether Brian is currently
22 employed by Southwest?

23 A. Yes, he is.

24 Q. Okay. Do you know whether he was ever
25 terminated?

1 A. I do.

2 Q. Okay. Do you know how many times he was
3 terminated?

4 A. I do.

5 Q. Okay. How many?

6 MS. GEHRKE: Well, again I'm going to
7 object on the grounds what we discussed earlier
8 about people being brought back as part of a
9 settlement.

10 THE ARBITRATOR: They haven't gone there
11 yet and I won't let them.

12 MS. GEHRKE: Thank you.

13 MR. CHAPPELL: And I have no intention of
14 asking or introducing or using anything that's
15 confidential and nonprecedential and nonreferral, I
16 think are the terms. Thank you.

17 So could you read back my question, Court
18 Reporter?

19 THE REPORTER: Question: "Do you know how
20 many times he was terminated?"

21 Answer: "I do."

22 Question: "Okay. How many?"

23 THE WITNESS: Am I able to ask a question?
24 I don't know if I'm allowed to --

25 MS. GEHRKE: Do you not understand the

1 question?

2 THE WITNESS: I do understand the
3 question, but --

4 BY MR. CHAPPELL:

5 Q. It's just a number.

6 A. Two.

7 Q. Okay. But he is currently employed?

8 A. Yes.

9 MR. RICHARD: That's where we're going to
10 raise an objection. Okay?

11 THE ARBITRATOR: Sir?

12 MR. CHAPPELL: Well, she had already
13 testified to that.

14 MR. RICHARD: It doesn't matter, Counsel.
15 There's a sanctity issue going on here that we're
16 here to protect, period. And that is, when someone
17 is terminated and if they come back by way of a
18 confidential agreement, the fact that they come back
19 is not relevant.

20 THE ARBITRATOR: Well, that's a little
21 broader. What I've heard is got fired twice, he's
22 still here. Okay?

23 MS. GEHRKE: He may have reapplied. We
24 don't know.

25 BY MR. CHAPPELL:

1 Q. Sam Wilkins. I believe it's a she. It's
2 probably short for Samantha. Do you know if she's
3 currently employed with the Company?

4 A. I believe she is, yes.

5 Q. And do you know if she was ever
6 terminated?

7 A. Not to my knowledge. I don't remember her
8 being terminated.

9 Q. Okay. And Bill Holcomb? I believe it's
10 H-O-L-C-U-M?

11 A. O-M-B.

12 Q. O-M-B. Okay. Thank you. Do you know if
13 he's still employed by the Company?

14 A. Yes, he is.

15 Q. Okay. Do you know if he was ever
16 terminated?

17 A. I don't believe he was terminated.

18 Q. Okay. Did he receive a suspension or
19 another form of discipline?

20 A. I believe so, yes.

21 Q. Did he receive more than one suspension?

22 A. Not that I remember. And I honestly don't
23 remember if he received a suspension or a
24 termination.

25 Q. Okay. But what you do remember, whether

1 it's a termination, suspension, or potentially a
2 lesser discipline, it was just once?

3 A. I generally only deal with 30-day
4 suspensions and higher.

5 Q. Okay.

6 A. So he may have had lesser disciplines that
7 I was not involved in.

8 Q. Okay. So your testimony of why only
9 applies to either a suspension or a termination?

10 A. Generally, yes.

11 MR. CHAPPELL: Fair enough. Okay. That's
12 all my direct or whatever we want to call that, and
13 that is the end of my questioning.

14 THE ARBITRATOR: Okay.

15 MS. GEHRKE: I just have a few follow-ups
16 if you want to do that before lunch.

17 THE ARBITRATOR: You always say that,
18 "I'll be brief."

19 MS. GEHRKE: I will be brief.

20 THE ARBITRATOR: No, go ahead, go ahead.
21 I haven't said anything about a lunch break.

22 MS. GEHRKE: Okay. It is that time, so if
23 you want to make anyone's low blood sugar --

24 THE ARBITRATOR: I didn't order lunch, did
25 I?

1 MS. ARMSTRONG: No, sir.

2 THE ARBITRATOR: Okay.

3 REDIRECT EXAMINATION

4 BY MS. GEHRKE:

5 Q. Ms. Emlet, can you look at Southwest
6 Company Exhibit No. 8.

7 A. Yes.

8 Q. Mr. Chappell asked you regarding the
9 Southwest kind of employee posts starting on page 3
10 and going beyond. Was Ms. Carter disciplined for
11 simply posting pictures of her in her uniform or
12 identifying herself as a Southwest employee?

13 A. No.

14 Q. What was the basis for the discipline with
15 respect to the public posts?

16 A. The basis for that was that she posted
17 these videos of abortions and then also had herself
18 identified as a Southwest employee on the same page
19 and that there was the nexus to the workplace for
20 these very disturbing and graphic videos.

21 Q. Are you aware that on Facebook you could
22 actually delete pictures or delete posts?

23 A. Yes.

24 Q. Is the fact that Ms. Carter made these
25 abortion posts while she continued to keep her

1 Southwest employee photos posted, was it the nexus
2 between those two that led to the discipline?

3 A. That was a portion of the discipline, yes.
4 That was the part that related to the public image
5 or public perception.

6 Q. Counsel was asking you regarding where the
7 Southwest employee photos were relative to the
8 abortion posts. Do you recall that?

9 A. Yes.

10 Q. And I realize that you're not a big user
11 of Facebook, but nonetheless, you testified you did
12 go on to look at Ms. Carter's page, correct?

13 A. Yes.

14 Q. Are you aware that on any particular
15 person's Facebook page that there will be a location
16 on that page where all of the or some of the photos
17 that the person has posted will be kind of grouped
18 together under the heading "Photos"?

19 A. Yes. It's at the very beginning of the --
20 when you log onto Facebook, I believe, there are
21 different squares that you can click on, and one of
22 them says "Photos."

23 Q. All right. And Counsel was asking you
24 earlier regarding these Southwest employee photos
25 and in particular whether or not, you know, someone

1 of the public or coworker who was looking at them,
2 how would they know that it was -- that she was a
3 Southwest employee.

4 A. Yes.

5 Q. And you had testimony regarding uniforms,
6 the plane, kind of, you know, the branding of the
7 Company, if you will.

8 Now, the "Live at 35" page that we were
9 talking about earlier, that actually says
10 "Southwest.com," right?

11 A. Yes.

12 Q. And then the page of the picture of her in
13 the airport, it looks like, can you tell what
14 Ms. Carter is wearing?

15 A. She has -- it appears to me that she has
16 her Southwest ID hanging around her neck.

17 Q. Does it seem reasonable to you that a
18 coworker or a person of the public who was looking
19 at these photos all grouped together on the Facebook
20 page might conclude that these -- that even in these
21 photos she was a Southwest employee?

22 A. Yes, absolutely.

23 Q. I'll ask you about Exhibit 4, Joint
24 Exhibit 4. You testified earlier regarding the
25 different classes of violations.

1 A. Yes.

2 Q. And if I can draw your attention to the
3 first page of Joint Exhibit 4, the last paragraph
4 there under 3.0.0.

5 A. Yes.

6 Q. Can you provide -- testify to your
7 understanding of what the purpose of this paragraph
8 is with respect to the different classes of
9 violations?

10 A. Yes. There's -- it would be impossible to
11 list every single violation that has or could occur,
12 and so we clearly spell it out here. "The list is
13 not exhaustive but merely illustrative. Any other
14 conduct constituting 'just cause' may result in
15 discipline, up to and including termination."

16 Q. And do you recall whether the Southwest
17 policies regarding harassment, workplace bullying,
18 hazing, and social media that we reviewed earlier
19 that's Joint Exhibits 5 through 7, do you recall
20 whether or not they specifically referenced that
21 violations of these policies could result in
22 termination?

23 A. Yes. Every single one of them does
24 reference that.

25 MS. GEHRKE: Okay. I have no further

1 questions. Thank you.

2 MR. CHAPPELL: I have nothing further.

3 THE ARBITRATOR: Thank you. Appreciate
4 your time. And I think you don't have to be -- be
5 around, available if need be.

6 All right. Let's go off the record a
7 minute.

8 (Off record from 12:18 to 12:20)

9 MR. RICHARD: The Union counsel will be
10 leaving around 4:00-ish today. It's my only flight
11 into New York where I have to go for involvement in
12 a case that I have. With permission of the parties
13 and the arbitrator, if there were an issue that we
14 would bring up relating to contract sanctity, we'll
15 just do it the next day with my colleague and we can
16 always look at the transcript.

17 THE ARBITRATOR: Sure. That's fine. I'm
18 very cognizant of those issues. I can't favor
19 somebody, but I will keep that door closed if I can.
20 All right?

21 MR. CHAPPELL: Thank you.

22 THE ARBITRATOR: You bet.

23 MS. GEHRKE: Thank you.

24 (Recess from 12:20 to 1:14)

25 THE ARBITRATOR: Would you tell her your

1 name.

2 THE WITNESS: Audrey Stone.

3 THE ARBITRATOR: Would you raise your
4 right hand.

5 Do you swear that the testimony you're
6 about to give in this arbitration shall be the
7 truth?

8 THE WITNESS: Yes.

9 THE ARBITRATOR: Thank you. Now, you're
10 going to have to speak up for her and for me, so try
11 to do that.

12 AUDREY STONE,
13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MS. GEHRKE:

16 Q. Good afternoon, Ms. Stone. My name's
17 Michele Gehrke. I'm an attorney for Southwest
18 Airlines. I'm going to be asking you some questions
19 today. Can you tell the arbitrator how long you've
20 been employed by Southwest.

21 A. Thirteen years.

22 Q. And are you currently -- is your job title
23 flight attendant?

24 A. Yes.

25 Q. And are you currently flying trips as a

1 flight attendant for Southwest?

2 A. I fly periodically. I'm on currently a
3 union pull, but I do fly at least once a quarter.

4 Q. And why are you on a union pull?

5 A. I am also the president of TWU Local 556.

6 Q. Can you tell us briefly about your
7 employment history at Southwest Airlines.

8 A. I started at Southwest in 2004. My first
9 position was a flight attendant. It's the only
10 position I've had at Southwest Airlines during my
11 career.

12 Q. Okay. And how long have you held a Union
13 leadership position?

14 A. I began my work with the Union in 2006 as
15 a shop steward.

16 Q. Okay. And how long were you a shop
17 steward?

18 A. Until 2008.

19 Q. And did you hold any other leadership
20 positions after you stopped being shop steward?

21 A. Yes.

22 Q. Please tell us about those.

23 A. I was the Baltimore domicile executive
24 board member for -- from 2009 until 2012. I was
25 also the education committee chairperson, and I also

1 served as the lead negotiator beginning in 2013.

2 Q. Okay. Prior to becoming president of
3 Local 556, had you served in other executive level
4 positions in the Union?

5 A. No.

6 Q. Were you ever first vice president of
7 Local 556?

8 A. I was. Well, actually I guess, yes,
9 technically. And it depends on if -- our domicile
10 board member positions are considered an executive
11 board position but not considered an officer, so I
12 just want to make that distinction.

13 Q. Okay.

14 A. And I was the first vice president for a
15 very brief period of time in 2013 immediately before
16 I became president. I was first vice president for
17 a few days.

18 Q. Okay. Why did you only serve a few days
19 as first vice president?

20 A. In May of 2013 two of the officers
21 resigned from the Union's executive board, and then
22 immediately following that there was the removal of
23 our first vice president, Chris Click. Under our
24 bylaws, the next highest votegetter from the
25 election, the position was offered to me as the next

1 highest votegetter from the election the year
2 previously. So I became the first vice president
3 when he was removed from his position.

4 And then our then president, Stacy Martin,
5 was removed a couple of days later. And under our
6 bylaws as well, I then moved up from first vice
7 president to assume the position of the presidency.
8 Our treasurer was also removed during that same time
9 period.

10 Q. Okay. And did you later run for full term
11 to be president?

12 A. Yes, I did.

13 Q. When was that?

14 A. That was in first quarter of 2015. And
15 that term began on May 1st, 2015.

16 Q. And when does your current term end as
17 Union president?

18 A. April 30th, 2018.

19 Q. When is the next Union election?

20 A. It'll be the -- it'll begin in January,
21 next month.

22 Q. And what airport are you based out of?

23 A. Las Vegas.

24 Q. And you live in Las Vegas?

25 A. Yes.

1 Q. Despite winning the election in the 2015
2 time frame, has it been difficult for you to be
3 serving as Union president?

4 A. It's been incredibly difficult. It was --
5 the circumstances under which I became president
6 were a little unusual, so I faced a challenge
7 because there had been, you know, a large upheaval
8 in the leadership of our Union. And that happened
9 right before we were scheduled to begin contract
10 negotiations with Southwest Airlines.

11 There were -- the supporters of the
12 officers who were removed were very angry that
13 myself and other flight attendants had assumed those
14 leadership roles. They were upset that the people
15 they had voted for the year previously were no
16 longer in office. So there was a lot of pushback on
17 me being the unelected president. And that
18 continued even after I won the election in 2015.

19 Q. Did these issues play out on social media?

20 A. Yes. The social media dialogue has been
21 primarily where these conversations have been taking
22 place where -- on group pages where flight
23 attendants, you know, the pro-Union pages, the
24 tend-to-be, you know, anti-Union, the kind of
25 campaigns, you know, against leadership. You know,

1 both directions have primarily been social media.

2 We are a workforce that is spread out all
3 across the nation and many times don't have a lot of
4 face-to-face interaction with many of our coworkers,
5 our flight attendants. So our work group is very
6 active on social media as a communication tool to
7 stay in contact with each other.

8 Q. Okay. As part of the dissent over the
9 change in Union leadership, did certain members
10 elect to opt out of the Union?

11 A. Yes. At the summer of 2013 -- I became
12 president in June -- there was a push, largely
13 generated through social media. Primarily Facebook
14 is where our flight attendants have the -- that's
15 the digital media vehicle that most of those
16 conversations take place on. And there was a push
17 by those who had supported the removed officers,
18 Stacy, Chris, and Jerry. There was a push to opt
19 out of the Union to send a message that we don't
20 support this leadership, it's not who we voted for,
21 so opt out of the Union, it will hurt them
22 financially from, you know, dues.

23 And so there was a push. We had
24 historically had a handful of flight attendants who
25 had chosen to opt out over the years, and I think

1 probably by the end of 2013 at the height we had
2 around 90 flight attendants out of our membership
3 who had chosen to opt out after this campaign.

4 Q. Okay. And was Ms. Carter one of the
5 individuals who had opted out?

6 A. Yes.

7 Q. Do you recall approximately when she opted
8 out of the Union?

9 A. I believe it was late in the summer of
10 2013.

11 Q. Is it correct to refer to the people who
12 opt out of the Union as objectors?

13 A. Yes.

14 Q. Is that the term of art you use?

15 A. Yes. AFO, agency fee objector, is the
16 term that TWU International uses for those
17 non-members.

18 Q. Okay. But for shorthand we can call them
19 objectors? You'll know what I'm talking about?

20 A. Yes.

21 Q. Okay. Just want to get the terminology
22 right so we're on the same page.

23 How has social media been used by the
24 objectors against you personally or directed towards
25 you personally?

1 A. It has been used as a vehicle to criticize
2 my leadership, to criticize decisions the Union has
3 made. It has been used as a vehicle to spread false
4 information regarding Union business, regarding
5 tentative agreements on the contracts that were
6 rolled out. It's been used as a vehicle to attack
7 me personally and to attack many of my friends who
8 also work for Southwest, folks that have been
9 associated with me either professionally or
10 personally. It's been used to attack them as well.

11 Q. You mentioned to attack you personally.
12 What do you mean by that?

13 A. I've been called names on social media. I
14 have had references made to the fact that I'm not
15 married and the fact that I don't have children. My
16 appearance has been ridiculed. I have had videos
17 taken of me on the weekend at a Southwest Airlines
18 function by another employee without me being aware
19 of it that were released on Facebook groups. I've
20 had personal photographs released and misrepresented
21 on various flight attendant pages.

22 Q. Did any of the posts by the objectors
23 involve physical threats of violence against you?

24 A. Yes.

25 Q. Can you describe those briefly?

1 A. There have been a couple that involved
2 kind of general threats to the Union as an entity,
3 and then there have been two in particular that
4 referenced threats, threats to me. When I was made
5 aware of them, you know, we -- the Union took
6 appropriate action just from a safety standpoint
7 because I was concerned for my safety.

8 Q. Okay. Did you ever report any of those
9 personal attacks, including any of the threats of
10 physical violence against you, to the Company?

11 A. No.

12 Q. Why not?

13 A. The threats of violence that were made, by
14 the time I was made aware of them I was also made
15 aware that other flight attendants had already seen
16 them and that they had been reported to Southwest
17 Airlines.

18 And I had not taken any of the personal or
19 professional attacks forward because I've spent my
20 career at Southwest as an advocate for our flight
21 attendants, you know, fighting for the rights of our
22 flight attendants. And I knew when I became the
23 kind of leader of the Union that there was going to
24 be, you know, a price you pay with that from the
25 standpoint of having, you know, some attacks on you

1 as a leader. I knew that there was, you know, going
2 to be some repercussions for me around that going
3 into it and, you know, just continued to kind of
4 turn the other cheek on the things that were being
5 said.

6 Q. Okay. How well do you know the grievant,
7 Charlene Carter?

8 A. I don't know her well.

9 Q. How many times have you ever met her in
10 person prior to today?

11 A. Once that I'm aware of.

12 Q. Tell us about that encounter.

13 A. It was right after I became president. At
14 least three times a year we have membership meetings
15 where the president or their designee along with our
16 recording secretary and sometimes other officers of
17 our Union travel around to each domicile, or that's
18 how we did it in the past, to go over Union
19 business, to present financial reports, talk about
20 any current topics, any business that's going on.

21 And there were membership meetings that
22 had already been scheduled prior to me coming into
23 office that were scheduled to take place in June, so
24 they began just after I assumed the position.

25 Charlene was one of a handful of flight attendants

1 present at the Denver session of that membership
2 meeting in June 2013.

3 Q. So you met her there?

4 A. Yes.

5 Q. And did you engage in any lengthy
6 discussions with her during that meeting?

7 A. No. Answered some general questions like
8 I did with -- from the other flight attendants who
9 were present.

10 Q. Okay. So is it fair to say you did not
11 know Ms. Carter well?

12 A. No. I mean, that is fair to say. I do
13 not know her well.

14 Q. Even today?

15 A. That's correct.

16 Q. What is the significance of being an
17 objector to the Union with respect to the members'
18 rights as a Union member?

19 A. When someone has chosen to opt out and
20 become an objector, they as a flight attendant give
21 up all of their voice, their right to vote. So they
22 can't vote on a contract, they can't vote in any
23 elections, and they are unable to attend any Union
24 meetings, whether it's a membership meeting or a
25 ratification meeting for a contract. They still

1 have the right to file a grievance under our
2 contract whether it is for a contractual or
3 discipline issue, and we as a Union still have the
4 responsibility to represent them should they need
5 representation in any investigations with Southwest
6 Airlines management.

7 Q. Okay. Are there any differences in the
8 Union dues or fees that objectors pay compared to
9 members?

10 A. There is. Our local, Local 556, follows
11 the TWU International agency fee policy, so
12 International sets that once a year and there is a
13 small percentage of the dues that are refunded to
14 the individuals who have opted out. It is the
15 percentage of dues, it averages around 10 percent,
16 of the money that is used for anything that touches
17 a legislative or political realm within the
18 International Union.

19 Q. Can you describe the restrictions on how
20 agency fees can be spent relative to the general
21 Union dues?

22 A. So the way we -- can you repeat the
23 question? I want to make sure I'm understanding.

24 Q. Yeah. I mean, the objectors pay the
25 agency fees and then the regular Union members pay

1 the full fee. And you testified that there were
2 some differences in how the money could be spent.

3 A. Well, actually the agency fee objectors,
4 they pay the regular dues and then it's refunded
5 back to them by International. So they get that
6 percentage back that International has determined
7 was the percentage that is, again, spent towards
8 legislative or political activities or expenditures,
9 you know, items that are not related to negotiating,
10 you know, bargaining, enforcing the contract.

11 Q. Does the International or the local kind
12 of handle the administration of that process of
13 refunding the fees?

14 A. They do, yes.

15 Q. That was an either/or question. Is it the
16 local or the International?

17 A. It's the International.

18 Q. Okay.

19 A. In fact, when someone chooses to opt out
20 of the Union, they actually have to notify TWU
21 International who then sends notification back to
22 the local that they have received that request and
23 process that request. And then we then mark it
24 accordingly.

25 Q. Can you explain in more detail what is

1 considered a political cause or political issue that
2 could not -- agency fee objector fees could not be
3 used towards?

4 A. So our International Union will support
5 labor-friendly candidates. We'll, you know, do
6 lobbying for issues affecting workers that because
7 it's lobbying work it also falls under that kind of
8 political umbrella. So it's money spent directly
9 towards those causes that is refunded back. It's
10 anything touching that realm that is not the general
11 day-to-day running of the Union, like I said, you
12 know, contract, discipline, the general Union
13 business.

14 Q. Okay. Is it common for Union members,
15 even though they have not opted out, to complain
16 about how Union dues are being spent?

17 A. It is. We -- you know, I normally chair
18 the membership meetings that I mentioned earlier,
19 and we present financial reports in those meetings.
20 It is a regular occurrence for flight attendants to
21 ask questions on, you know, why we spent X amount of
22 dollars, you know, in communications and what is
23 that paying for. They will have an opportunity to
24 look at each committee's budget and, you know, what
25 did our professional standards committee spend their

1 money on, you know, for that month or that fiscal
2 year, why is it higher than another committee.

3 So we regularly have to answer questions
4 and explain to our flight attendants, you know, how
5 we spent the Union dues, why we spent the Union
6 dues, and the cost of running a union of our size
7 and the representation that we're providing with
8 those services.

9 Q. Is it more common for the objectors to
10 complain about how Union dues money is spent?

11 A. In my --

12 MR. CHAPPELL: Objection. Foundation.

13 THE ARBITRATOR: She's about to say in her
14 experience. I'll hold your objection to let her
15 answer the question.

16 A. In my experience, for some of them, yes.
17 They -- if they've opted out of the Union because
18 they are unhappy about something, and many of them
19 have been very candid and open, you know, in
20 expressing that, they tend to be very critical of
21 the Union and use that to try to, you know, convince
22 other people to opt out and join in that cause. So
23 I have seen that in my experience.

24 BY MS. GEHRKE:

25 Q. Does Local 556 have certain committees

1 that are charged with various purposes?

2 A. Yes.

3 Q. And is one of those a women's committee?

4 A. Yes, it is.

5 Q. Can you explain to us kind of the purpose
6 of the women's committee and what it does?

7 A. The women's committee was originally
8 founded through TWU International, and it was to --
9 within TWU International, outside of our local, many
10 of the other locals within TWU are predominantly
11 male work groups. And so it was to bring women
12 together to advocate for women's issues in the
13 workplace within TWU, you know, to move them forward
14 as well as to focus on building women leaders within
15 TWU International and the local leadership.

16 Q. And is the work done by the women's
17 committee considered to be a political cause or
18 political issue for purposes of the fees?

19 A. No, it's not. Our local only has one
20 committee that falls under that umbrella, and it's
21 our committee on political education.

22 Q. So if I understand you correctly, then
23 everyone's dues money, including those of the
24 objectors, would go towards funding activities of
25 the women's committee?

1 A. Yes.

2 Q. In January of 2016 did you attend a
3 women's committee meeting in Washington, D.C.?

4 A. It was January 2017.

5 Q. I'm sorry. Thank you. And where was that
6 meeting?

7 A. That was in Washington, D.C., and it was
8 held at TWU International headquarters.

9 Q. And what was the purpose of that meeting?

10 A. It was to bring flight attendants from all
11 over the system together, many of whom had expressed
12 interest on, you know, wanting to become more
13 involved with our working women's committee because
14 it had been a very small committee within our local.

15 And so we were looking to expand it, and
16 International, the chairperson of the TWU
17 International working women's committee helped put
18 it together, offered to host it, and actually set up
19 some speakers who were local to the D.C. area,
20 including Liz Shuler from the AFL-CIO, to be able to
21 come and speak to our flight attendants on some of
22 the women's issues that were happening in D.C.

23 Q. And did Ms. Carter ever express interest
24 to you or anyone else, to your knowledge, about
25 joining in the women's committee?

1 A. No, not to my knowledge.

2 Q. Would she have been allowed to participate
3 in the women's committee as an objector?

4 A. No.

5 Q. Were certain individuals chosen to go to
6 the Washington, D.C., meeting, or was everybody on
7 the committee invited to go?

8 A. It wasn't -- people weren't chosen. It
9 was more of an organic flight attendants reaching
10 out to the female leaders within our executive
11 board. And I believe anybody that reached out that,
12 you know, that heard about it or that expressed
13 interest in going was able to come.

14 Q. And how were the costs associated with
15 attending the meeting paid for?

16 A. Southwest Airlines provided the travel, so
17 there was no direct cost with that. The Union dues
18 money were used to cover hotel and the hotel cost,
19 the lodging cost. Union dues paid for one meal
20 while the group was in D.C. And then with -- most
21 everybody there volunteered their time. I'm on a
22 full-time salary, so the day of the meeting I was on
23 my, you know, my Union bar. But the other rank and
24 file flight attendants volunteered their time to
25 come to the meeting.

1 Q. You testified that Southwest provided the
2 travel, transportation, the flights. Is that
3 pursuant to a provision in the collective bargaining
4 agreement?

5 A. It is. Our contract states that Southwest
6 Airlines will provide positive space travel for
7 Union business.

8 Q. And this women's committee was deemed
9 Union business?

10 A. Yes.

11 Q. And what were the dates of this meeting in
12 Washington, D.C.?

13 A. The meeting took place on Thursday,
14 January 19th.

15 Q. Okay. And was there any significant
16 events going on in Washington, D.C., around that
17 time?

18 A. There was. The inauguration for President
19 Trump occurred January 20th.

20 Q. And that was a Friday?

21 A. Yes.

22 Q. Do you recall that there was also a
23 women's march scheduled for around that time frame?

24 A. Yes, there was, scheduled for that
25 Saturday.

1 Q. Okay. So that would have been
2 January 21st?

3 A. Yes.

4 Q. And did you or the women's committee
5 attend the women's march?

6 A. Yes. One of the speakers who attended our
7 meeting that Thursday was the Working America group,
8 and we -- most of our flight attendants who were
9 there volunteered to volunteer with Working America
10 Saturday morning prior to the march to sign people
11 up to go on a mailing list for Working America,
12 which is an organization that helps to advocate for
13 workers who are not under the collective bargaining
14 agreement to better their working environments
15 through different avenues because they don't have a
16 contract or the negotiating power to do that.

17 Q. Did everyone from the women's committee
18 attend the women's march, or was it voluntary to go?

19 A. It was completely voluntary.

20 Q. And was that done basically then on your
21 free time?

22 A. Yes, it was on our free time.

23 Q. Did you or the women's committee have
24 anything to do with the lighting on Southwest
25 Airlines planes being pink for the trip to

1 Washington?

2 A. No. I actually heard about it after, the
3 following week.

4 Q. Was the lighting on your plane to
5 Washington, D.C., were the lights pink?

6 A. No.

7 Q. Do you know who was responsible for making
8 the lights pink?

9 A. I don't know.

10 Q. Why did you want to attend the women's
11 march on that Saturday?

12 A. As a labor leader, we -- you know, I've
13 been very active in, you know, advancing human
14 rights, you know, workers' rights, participating in
15 causes around that. And so for those of us that
16 chose to stay and volunteer, it was to support
17 equality, you know, across the board for women. You
18 know, civil rights are human rights. You know, that
19 slogan, that's why I personally chose to stay and
20 both sign up people for Working America that morning
21 and then to be there for the march.

22 Q. And did the group make signs to carry
23 during the march?

24 A. Yes.

25 Q. And did you review those signs for their

1 content?

2 A. I did. The signs that our flight
3 attendants carried were things like, you know,
4 "Civil rights are human rights," you know, "We
5 support working women." They were things of that
6 nature. They were very inclusive.

7 Q. Did they identify the group as employees
8 of Southwest Airlines?

9 A. Yes. There was one -- we had "TWU Local
10 556," and there was a banner that said, you know,
11 "The flight attendants of Southwest Airlines." Our
12 actual Union logo normally -- I mean, the logo found
13 on our website and our general printed materials,
14 that's how it states.

15 Q. Have you ever publicized your political
16 views on abortion?

17 A. No.

18 Q. Have you ever discussed those political
19 views with Ms. Carter?

20 A. No.

21 Q. Prior to receiving her social media
22 messages, were you aware of Ms. Carter's views on
23 abortion?

24 A. No.

25 Q. How would you describe your political

1 views on abortion?

2 A. I personally do not support abortion. I
3 personally do not believe it is a choice that I
4 could ever make, but I also don't believe that I
5 have the right to make that choice for any other
6 woman. I believe that each woman has the right to
7 choose what happens to her and what she does with
8 her body. Although I don't personally support it, I
9 just -- I don't think that's my decision to make for
10 you or someone else.

11 Q. Did you receive private Facebook messages
12 from Ms. Carter regarding abortion and your
13 attendance at the women's march?

14 A. Yes, I did.

15 Q. Prior to receiving those abortion
16 messages -- and that was through Facebook Messenger?

17 A. Yes.

18 Q. Prior to receiving those messages through
19 Facebook Messenger regarding abortion, had you been
20 receiving other Facebook Messenger posts, messages
21 from Ms. Carter regarding other topics?

22 A. Yes, I had.

23 Q. And when do you estimate Ms. Carter
24 started sending you these Facebook Messenger posts?

25 A. Early -- I think early 2015 during the

1 officer election.

2 Q. And how often do you think Ms. Carter was
3 sending you Facebook Messenger posts?

4 A. It was somewhat sporadic. I was not --
5 I'm not very active on Facebook, so it wasn't
6 something I was checking all the time. Sometimes I
7 would open and see a stack of them, many of them,
8 and I would just close it. Some were, you know,
9 multiple messages in a day, and then other times
10 there would be, you know, long periods where there
11 wasn't anything sent.

12 Q. Can you estimate since 2015 approximately
13 how many private Facebook Messenger posts Ms. Carter
14 has sent you?

15 MR. CHAPPELL: Objection. I understand
16 the termination is based on specific messages in one
17 time period and that she was not discharged for a
18 series or over a two-year period, so I don't think
19 this is relevant to the just cause.

20 MS. GEHRKE: That's actually not accurate.
21 There will be testimony that there was a pile of
22 messages and that it was part of the long campaign
23 of harassment of Ms. Stone that led to -- as part of
24 the decision to terminate her.

25 THE ARBITRATOR: I'll allow the testimony.

1 A. I would estimate probably around a
2 hundred.

3 BY MS. GEHRKE:

4 Q. Did you ever respond to these messages
5 from Ms. Carter?

6 A. No.

7 Q. Did you ever ask her to stop messaging
8 you?

9 A. No.

10 Q. And these were all private messages,
11 correct?

12 A. Yes.

13 Q. Do you know if she ever tagged you in any
14 public Facebook posts, perhaps on some of these
15 Union pages or even on her personal page?

16 A. Not that I'm aware of.

17 MS. GEHRKE: All right. I'd like to mark
18 as Southwest Company Exhibit 9 this pile of
19 documents.

20 (Company Exhibit 9 marked)

21 BY MS. GEHRKE:

22 Q. Ms. Stone, do you recall that as part of
23 the Company's investigation -- well, let me back up.

24 Did you ever complain to the Company
25 regarding messages you received from Ms. Carter?

1 A. I did.

2 Q. And did the Company contact you about
3 investigating that complaint?

4 A. Yes, they did.

5 Q. And as part of that investigation, did the
6 Company ask you to provide all of the messages that
7 you had received in the private Facebook Messenger
8 from Ms. Carter?

9 A. Yes, they did.

10 Q. Can you take a look at Southwest Exhibit 9
11 and tell me if this represents what you believe you
12 provided to the Company.

13 A. It does. I believe -- I couldn't -- I
14 couldn't tell you right this second if this is
15 everything, but yes.

16 Q. You believe this is at least a substantial
17 subset of the messages, not the entire set?

18 A. Yes.

19 Q. And I realize you're not able to sit here
20 and go through each message as you're testifying,
21 but did most of these messages prior to the abortion
22 messages have to do with kind of Union or leadership
23 issues?

24 A. Yes. Some are about, you know, hoping I
25 wasn't going to win the election in 2015, that the

1 other group was going to win, that Charlene and
2 other flight attendants were doing everything they
3 could to ensure that the other group won. There's
4 complaints around other flight attendants, and
5 there's complaints around how the Union was spending
6 money, dues money.

7 One references us inviting flight
8 attendants in for the contract signing when that was
9 signed with Southwest Airlines. Some are
10 photographs of memes or, you know, pictures of me
11 that had different captions put on them, derogatory.
12 There's -- it's -- there's a lot of different things
13 in here.

14 Q. Okay. Did you receive private Facebook
15 messages from Ms. Carter in February 2017 regarding
16 abortion?

17 A. Yes.

18 Q. And what did those messages consist of
19 generally? Were they videos, pictures, texts?

20 A. The --

21 MR. CHAPPELL: I object to her saying
22 anything more than answering your question of
23 whether they were texts, videos, pictures or what.

24 THE ARBITRATOR: You're asking her to
25 generally describe --

1 MS. GEHRKE: Just -- yeah.

2 THE ARBITRATOR: -- what's in here so I
3 don't have to go through it page by page?

4 BY MS. GEHRKE:

5 Q. No, no, no, just the messages on abortion,
6 what did that consist of generally, like two videos,
7 one still picture, or what do you recall?

8 THE ARBITRATOR: I'll allow that.

9 A. The first message that I saw contained a
10 video. When I was able to go back and finish
11 viewing the rest, there was a second video. There
12 was texts, and there was a photograph.

13 MS. GEHRKE: Okay. We are going to now
14 play the videos so you can authenticate what you
15 received, and I apologize for making you watch this
16 again.

17 (Video played)

18 BY MS. GEHRKE:

19 Q. Ms. Stone, is that one of the videos that
20 Ms. Carter sent to you on your private Facebook
21 Messenger?

22 A. Yes.

23 MS. GEHRKE: Can you play the second
24 video, please.

25 (Video played)

1 BY MS. GEHRKE:

2 Q. Ms. Stone, is that the second video
3 Ms. Carter sent to you on your private Facebook
4 Messenger?

5 A. Yes, but there was audio.

6 Q. There was audio? Was there audio on that
7 one?

8 MS. ARMSTRONG: Not when it was --

9 BY MS. GEHRKE:

10 Q. Do you recall what was on the audio?

11 A. In one of the videos there was someone in
12 the background saying, "Look, it's still moving."

13 MS. GEHRKE: Can you pull the headdress
14 picture, please.

15 BY MS. GEHRKE:

16 Q. Can you look at this picture and tell us
17 if this is the third message that you received from
18 Ms. Carter on your private Facebook Messenger?

19 A. Yes.

20 Q. Did you provide the Company with all these
21 messages as part of their investigation?

22 A. I did.

23 Q. Did Ms. Carter ever tell you why she was
24 sending you those messages?

25 A. No. The messages that were contained in

1 here are the only communication that I had around
2 this from her.

3 Q. Did you ever discuss abortion with
4 Ms. Carter?

5 A. No.

6 Q. Did you ever even discuss politics with
7 Ms. Carter?

8 A. No.

9 Q. Did you ever discuss Planned Parenthood
10 with Ms. Carter?

11 A. No.

12 Q. Did you ever discuss the women's march
13 with Ms. Carter?

14 A. No.

15 Q. Did you receive any other similar messages
16 from other Local 556 members or objectors?

17 A. No, not like this.

18 Q. Prior to receiving these abortion
19 messages, had you ever reported Ms. Carter to
20 Southwest management?

21 A. No, I had not.

22 Q. Why not?

23 A. As I mentioned earlier, I have spent most
24 of my career since my second year at Southwest
25 Airlines when I first started doing Union work

1 advocating for our flight attendants, fighting for
2 their rights. It -- fundamentally I had advocated
3 against turning fellow flight attendants in. I had
4 educated on different avenues to try to resolve, you
5 know, conflict, some of the avenues that the Union
6 and Southwest Airlines jointly have available.

7 So while she had sent some really ugly
8 messages before, I -- it just went against my
9 beliefs to turn that in, and I just continued to
10 tell myself that, again, part of my job as a leader
11 was to just recognize that people were going to say
12 ugly things and mean things.

13 Q. What made you decide to report
14 Ms. Carter's Facebook Messenger posts to Southwest
15 at this point?

16 A. They hurt me. I couldn't unsee what she
17 sent. I thought it was vile, I thought it was
18 disgusting, and I didn't want any other employee to
19 have to be exposed to that. I was fearful that
20 other flight attendants that went to the march might
21 be sent it, and I felt like it crossed a line that I
22 had overlooked, walked away from a lot of harassment
23 and bullying that had been occurring for years, but
24 that this overstepped a line for me as a human being
25 and as an employee of Southwest.

1 Q. How did you report Ms. Carter's messages
2 to Southwest Airlines?

3 A. I sent an e-mail to my base manager,
4 Suzanne Stephenson. I sent an e-mail and attached
5 screenshots, still shots of the messages. I didn't
6 know -- I'm not tech savvy enough, I didn't know how
7 to send a video from Facebook as an e-mail
8 attachment, so I just -- again, I sent an e-mail
9 with the photos attached to her through our
10 Southwest Airlines e-mail system.

11 Q. And did you hear from the Company in
12 response to your complaint?

13 A. Yes, I did.

14 Q. Who did you hear from?

15 A. I think Suzanne initially e-mailed me back
16 that she was in receipt and -- receipt of it and
17 would be in further contact. And then the base
18 manager from Denver, Ed, called me I think a day or
19 two later.

20 MS. GEHRKE: Do you need a break?

21 THE WITNESS: If I could, please.

22 MS. GEHRKE: Sure.

23 THE ARBITRATOR: We'll be off for seven
24 minutes.

25 (Recess from 2:08 to 2:24)

1 (Company Exhibit 10 marked)

2 THE ARBITRATOR: We'll go back on the
3 record.

4 MS. GEHRKE: All right. Before we
5 continue with your questioning, I'd like to move
6 Southwest Exhibit 10 into evidence. That is the
7 videos or a CD of the two videos that we just
8 played.

9 THE ARBITRATOR: Uh-huh.

10 MR. CHAPPELL: I don't think I have a
11 basis to object, unfortunately.

12 THE ARBITRATOR: Well, it doesn't always
13 stop people from objecting, but I'll accept this
14 into evidence.

15 MS. GEHRKE: We appreciate your restraint.

16 MR. CHAPPELL: Well, I think had I
17 objected, the arbitrator would have overruled it.

18 THE ARBITRATOR: It's the arbitrator rule.
19 We let everything in.

20 MR. CHAPPELL: That's another thing I kind
21 of know.

22 THE ARBITRATOR: We give it the weight
23 that it's accorded, it should be accorded.

24 MR. CHAPPELL: Exactly. I trust you to do
25 that correctly.

1 BY MS. GEHRKE:

2 Q. Okay. Before the break I think we were
3 talking about how you had for the first time
4 reported Ms. Carter for the messages she had sent
5 you on the private Facebook Messenger, right?

6 A. (Witness nods head.)

7 Q. And I believe you testified that the base
8 manager, Suzanne Stephenson, acknowledged receipt
9 and Mr. Schneider had reached out to you.

10 What was the next step in the
11 investigation from your perspective?

12 A. When Mr. Schneider called me, he said he
13 was going to need to set up a conference call with
14 the base leadership, myself, and employee relations
15 to go through and just ask some further questions
16 regarding the information I had submitted to
17 Southwest Airlines.

18 Q. Did they offer you Union representation
19 for that call?

20 A. When we set the call, when the call --
21 when that joint call started, they informed me at
22 that time that I could also have, you know, a Union
23 rep on the call with me if I chose to, and I did. I
24 did have a fellow flight attendant and Union rep
25 that listened in on that joint base, ER, and myself

1 phone call.

2 Q. Okay. During this phone call, did they
3 ask you if you knew why Ms. Carter was sending you
4 these messages?

5 A. Yes. The ER representative, Denise
6 Gutierrez, and I apologize if I'm mispronouncing her
7 name, she asked me repeatedly if I knew why Charlene
8 had sent me the videos, the videos and the messages
9 about abortion.

10 Q. What did you tell her?

11 A. I told her I didn't know and I couldn't
12 answer that. She asked me multiple times, and I
13 kept saying I don't know why, I can't -- I can't --
14 I can't explain it, and anything I say would be
15 speculation.

16 Q. Did she ask you if you had ever spoken to
17 Ms. Carter regarding abortion?

18 A. Yes, she did.

19 Q. And what did you tell her?

20 A. I told her no.

21 Q. Did she ask you if besides the three
22 abortion messages whether Ms. Carter had ever sent
23 you any other messages on private Facebook
24 Messenger?

25 A. Yes, she did ask me that.

1 Q. And what did you tell her?

2 A. I told her yes.

3 Q. And did she ask you to provide the Company
4 with all of those messages from Ms. Carter?

5 A. She did.

6 Q. And did you do so?

7 A. I did.

8 Q. And that was Southwest Exhibit 9, correct?

9 A. Yes.

10 Q. Did she ask you what action you wanted
11 Southwest to take?

12 A. She did ask me what, you know, what my
13 concerns were, why I brought this forward and, you
14 know, what I thought the next steps should be. And
15 I told her that it was very difficult for me to talk
16 about and that it had upset me tremendously and that
17 I did not want anybody else to be exposed to this,
18 that I believed it was a violation of a number of
19 Southwest Airlines policies and I didn't think it
20 was okay and that I didn't want it to happen to me
21 again and I didn't want it to happen to anyone else.

22 Q. Did you ask Ms. Gutierrez to fire
23 Ms. Carter?

24 A. No, I did not.

25 Q. Did you understand when you made the

1 complaint that Southwest would have a legal duty to
2 investigate?

3 A. I did, yes.

4 Q. And did you understand that you could be
5 called to testify about this when you made the
6 complaint?

7 A. I did. It's actually why it took me -- it
8 was a very difficult decision for me to make, and it
9 took me I think a full week from when I saw part of
10 the first video until I actually sent the e-mail
11 with the still shots to Southwest Airlines is
12 because I had never done that before and I
13 understood that Southwest would have a
14 responsibility to investigate and the ramifications
15 of that weren't something I took lightly.

16 Q. Did the fact that Ms. Carter was an
17 objector have anything to do with your decision to
18 file a complaint?

19 A. No, it did not.

20 Q. Did you ever collude with Southwest to try
21 to get Ms. Carter fired because she was an objector?

22 A. No, I did not.

23 Q. Did Ms. Carter's involvement in the recall
24 election movement have anything to do with your
25 decision to report her?

1 A. No.

2 Q. What about her political views on abortion
3 or right-to-work legislation, did that influence you
4 at all?

5 A. No.

6 Q. Are you aware that Ms. Carter was
7 terminated for sending you these messages?

8 A. Yes.

9 Q. Are you aware that Ms. Carter grieved her
10 termination?

11 A. Yes.

12 Q. And did Local 556 represent Ms. Carter
13 during the grievance proceedings?

14 A. Yes, they did.

15 Q. And who was the grievance specialist who
16 was assigned?

17 A. Beth Ross.

18 Q. Were you involved at all in Ms. Carter's
19 grievance proceedings or in decisions regarding her
20 grievance?

21 A. No, I was not.

22 Q. As president of Local 556, are you
23 normally part of the grievance process or the step 2
24 process?

25 A. Not normally. I am -- I don't normally

1 participate in the actual filing of grievances or
2 the day-to-day managing or handling those cases once
3 they're filed. While I have attended some step 2
4 meetings in the past, it's not a regular occurrence,
5 and my involvement usually only occurs at the point
6 that the executive board is hearing a grievance,
7 hearing a case, and determining whether or not to
8 proceed forward based off the merits.

9 I, as president, am the chairman of the
10 executive board, so I chair, you know, those
11 discussions normally. And then for the cases that
12 the board votes to proceed on, I regularly
13 participate in the monthly grievance meetings
14 between our grievance chairpersons and Southwest
15 Airlines labor relations in, you know, advocating
16 for resolutions and solutions on the cases that have
17 come forward.

18 Q. Did you do any of that with respect to
19 Ms. Carter's grievance?

20 A. I did not. I recused myself from the
21 board meeting and was not there when the board
22 reviewed Ms. Carter's grievance.

23 Q. Why did you do that?

24 A. Because I didn't think it would -- I
25 didn't think it would be appropriate for me to even

1 chair a meeting, and quite honestly I didn't want to
2 be present for it. I knew that they would be, you
3 know, going through the details of the case, and
4 it's difficult for me to look at.

5 But again, it wasn't -- it was not
6 something that I needed to be -- I needed to be
7 present for. And our first vice president
8 frequently chairs meetings if I am, you know, not
9 there, attending to other Union business, so that's
10 what took place.

11 Q. Even though you kind of officially recused
12 yourself, did you do anything to try to influence
13 the Union's handling of Ms. Carter's grievance?

14 A. No, absolutely not.

15 Q. And did you do anything with respect to
16 Southwest management in trying to influence their
17 decision regarding Ms. Carter or her grievance?

18 A. No, I did not.

19 MS. GEHRKE: I have no further questions
20 at this time.

21 THE ARBITRATOR: All right, sir. Your
22 witness.

23 MR. CHAPPELL: Okay.
24
25

1 CROSS-EXAMINATION

2 BY MR. CHAPPELL:

3 Q. You testified earlier about some general
4 personal attacks that collectively the question was
5 that objectors -- I think we all know what that term
6 means -- had made against you over the last couple
7 of years. Do you remember testifying to that?

8 A. I do.

9 Q. Okay. And the record will speak for
10 itself, but my notes say that those personal attacks
11 focused on your marital status, whether you had
12 children, personal photographs. You remember that
13 string of examples that you gave in answer to the
14 question?

15 A. Yes, I do.

16 Q. Okay. Were you, when you were answering
17 that question, were you referring specifically to
18 anything Ms. Carter had done?

19 A. No, not with those examples.

20 Q. Okay. That was just a general to other
21 people, other objectors in general?

22 A. Yes, and they were just a few of the
23 examples of what's happened since I've been
24 president.

25 Q. And actually I think it's Exhibit 9.

1 THE ARBITRATOR: Yeah.

2 BY MR. CHAPPELL:

3 Q. Exhibit 9 is a representation of what
4 Ms. Carter had sent to you?

5 A. Yes.

6 Q. Okay. And, in fact, in most cases or many
7 times you never even looked at what came in, I
8 believe you said. Is that correct?

9 A. In some -- some of the cases.

10 Q. Right. And to the two videos that were
11 shown here, Exhibit 10, they didn't automatically
12 start playing when you got the message, right?

13 A. Actually, the video that was on top did.
14 The way Facebook Messenger works -- and again, I'm
15 not a Facebook expert, but when I opened my
16 Messenger account and opened the top message, it was
17 from Ms. Carter and it was the video. And when I
18 opened that application up, it started playing.

19 Q. And the second one did the same thing?

20 A. No. I closed that after a few seconds,
21 and it was the following day before I was able to go
22 back in and finish looking at what she had sent me.

23 Q. Now, I realize that you may not have
24 looked at those videos when they appeared in your
25 Messenger feed, but am I correct that they both were

1 sent to you pretty close in time, in fact in the
2 same day? Is that your recollection?

3 A. I believe so. I know that I saw them on a
4 Wednesday. It was February 15th.

5 Q. Okay. And I believe the document --

6 A. Or the first one.

7 Q. I mean, the document speaks for itself,
8 but I think it shows a date of Tuesday, so -- okay.

9 Before or after, including up to today,
10 have you received any additional abortion videos or
11 pictures from Ms. Carter by any means?

12 A. No, but I blocked Ms. Carter immediately
13 after submitting the documentation to Southwest
14 Airlines.

15 Q. Okay.

16 A. Actually once I had pulled it off, I
17 blocked her before I had submitted it. Once I had
18 taken the screenshots, I blocked her. And then when
19 Southwest Airlines asked me for the additional
20 information, I had to unblock to pull it off because
21 Facebook -- I guess once you block somebody, it
22 won't let you go back and access previous messages.
23 So I unblocked to pull out at Southwest Airlines'
24 request the additional messages, and then I
25 immediately reblocked her once I had done that.

1 Q. So not counting when you unblocked it to
2 comply with the request, when you initially blocked
3 her it was a day or so or two days -- because you
4 said you took a week to decide -- it was several
5 days after you had first viewed the video? Is that
6 correct?

7 A. When I first blocked her?

8 Q. Yes.

9 A. I believe it was the following day.

10 Q. But between the time that you viewed the
11 videos and you blocked her, you did not receive any
12 more abortion related messages?

13 A. No, not within that day.

14 Q. Have you heard other flight attendants
15 receiving Facebook Messenger or direct private
16 videos or pictures from Ms. Carter of abortion
17 related material?

18 A. No, I'm not aware.

19 Q. And both as part of your duties as
20 president and also just being a flight attendant,
21 it's not uncommon that you do hear from other flight
22 attendants about various social media or Facebook
23 things that they get from other flight attendants?
24 Isn't that correct?

25 A. I want to make sure I'm understanding.

1 Q. Sure.

2 A. Do I hear about other flight attendants
3 receiving things?

4 Q. Right, they talk to you, they say, well, I
5 got this thing from so-and-so and --

6 A. Yes.

7 Q. You testified that Ms. Carter did not tell
8 you why she sent the videos? Do you remember saying
9 that?

10 A. Yes.

11 Q. Okay. I'm sorry to draw your attention
12 back to Exhibit 9, but did you notice that at the
13 top of both videos there was some typing, some
14 language?

15 A. Yes, I did when I went back and looked at
16 it.

17 Q. Okay. And did you recognize or do you now
18 know that that typing above the picture or the video
19 representation on Exhibit 9 was written by
20 Ms. Carter?

21 A. I assumed so.

22 Q. Okay. And that applies to both videos
23 shown on the first page of Exhibit 9 and the video
24 on what's marked as a whole bunch of zeros page 2 or
25 the second page?

1 A. Yes.

2 Q. Is it now inaccurate to say that
3 Ms. Carter didn't tell you why she was sending you
4 the videos?

5 A. I still can't explain why she was sending
6 me the videos of an abortion.

7 Q. But she did write --

8 A. Right.

9 Q. -- something from her, could be -- I'm not
10 trying to put words in your mouth -- could be an
11 explanation for why she sent them to you?

12 A. Right. I see what she wrote.

13 Q. Okay.

14 A. But I can't explain why she sent the
15 videos.

16 THE ARBITRATOR: And she never explained
17 to you in person why she sent other than the texts
18 that were included with the videos?

19 THE WITNESS: That's correct.

20 THE ARBITRATOR: Is that correct?

21 THE WITNESS: Yes.

22 THE ARBITRATOR: There's no dispute in
23 this record that she sent them and that's her
24 comments? Your answer was what? No?

25 MR. CHAPPELL: My answer is that that is

1 correct, and the comments speak for themselves.

2 THE ARBITRATOR: Okay.

3 MR. CHAPPELL: There's obviously
4 descriptions by everybody to try to characterize the
5 comments or the video as well.

6 BY MR. CHAPPELL:

7 Q. You also testified that you had counseled
8 flight attendants about the social media policy? Do
9 you remember that testimony?

10 A. Yes.

11 MR. CHAPPELL: Okay. And I believe this
12 will be CC-2? Does that sound right?

13 THE ARBITRATOR: Yes.

14 (Grievant's Exhibit CC-2 marked)

15 BY MR. CHAPPELL:

16 Q. Do you recognize CC-2, Ms. Stone?

17 A. I do.

18 Q. And we put -- I believe CC-2 is the full
19 magazine or whatever this is called, but we're
20 really focusing along the first three pages. Okay?
21 And specifically the president's message, do you see
22 that there?

23 A. Yes.

24 Q. And is that your message?

25 A. It is.

1 Q. As president of TWU Local 556?

2 A. Yes.

3 Q. Okay. And is that one or what you were
4 referring to that you had counseled flight
5 attendants how to handle this policy?

6 A. It's a piece of it, but I was also
7 referring to even individual conversations I had had
8 with friends and flight attendants over the years
9 who, you know, come to me and ask my opinion on how
10 to handle issues.

11 Q. Is it fair to say that your advice when
12 they ask you these questions dealing with the social
13 media and filing complaints was pretty consistent
14 and are reflected in your president's message here?

15 A. Up to this point, yes.

16 Q. Right. Now, if you'd turn to the second
17 page and look at the first full paragraph that
18 begins with "Your Union has been addressing
19 Southwest Airlines' Social Media Policy." Do you
20 see that paragraph?

21 A. I do.

22 Q. Okay. The next sentence talks about the
23 "policy that is both vague and undefined." What
24 were you referring to there?

25 A. We had seen a number of what the Union

1 believed was very inconsistent application of the
2 social media policy and how it was being applied to
3 flight attendants.

4 Q. You're also -- near the end or the next
5 paragraph, I mean the next sentence, I'm sorry, you
6 say that "the often-subjective stance." What did
7 you mean by subjective stance?

8 A. We had had some cases where individuals
9 were having just conversation back and forth,
10 completely, you know, just on personal nature and
11 then somebody would bring it forward that they were
12 upset about something a coworker had said. And
13 again, it was very -- we were not seeing consistency
14 in how Southwest Airlines was investigating the
15 situations and applying consistent discipline in
16 them.

17 Q. Okay. It would be the third paragraph,
18 and you say -- and again, I believe this was written
19 in 2015. Do you want to check the front of the
20 page? Have I got the right date? You said there
21 were certain "Social Media Policy changes we would
22 like to see in the future." What was the nature of
23 those changes you were hoping to get?

24 A. We were wanting to see more specific
25 guidelines that applied to flight attendants because

1 we had heard from Southwest that our work group was
2 experiencing the most issues with social media. And
3 the social media policy is a policy that is applied
4 to all employees, so we wanted to look at having
5 more specific rules, I mean guidelines for
6 individually our work group.

7 Q. And were you also looking to potentially
8 have some changes in the existing guidelines so they
9 would be more focused on your work group?

10 A. Well, what we were looking for was, as I
11 stated, specific guidelines and rules for the flight
12 attendants separate from just the general Southwest
13 Airlines social media policy.

14 Q. Now, the last paragraph, I'm going to read
15 it into the record so you don't have to read it.

16 THE ARBITRATOR: Actually there's no rule
17 of reason for you to do that. I'm looking at it.

18 MR. CHAPPELL: Okay.

19 THE ARBITRATOR: It's in the record.

20 MR. CHAPPELL: Okay. Perfect.

21 BY MR. CHAPPELL:

22 Q. I know you spoke on direct a little bit
23 about this, but in that paragraph is it fair to say
24 at least at that time you were asking that the
25 flight attendants first try to work it out or talk

1 to each other and not just start filing charges with
2 the Company because of what then happened?

3 A. Yes.

4 Q. Okay. And I know you testified on direct
5 the concerns that you had both to yourself for
6 future situations that Ms. Carter might do and to
7 other flight attendants.

8 And so my question is, why didn't you
9 contact Ms. Carter to see whether this was a
10 mistake, whether she was sorry, whether you could
11 feel convinced that she wouldn't do it or was
12 planning to do it again and that kind of stuff
13 before filing it?

14 A. I believed that at the point that she sent
15 me those videos, including the text that you
16 referenced earlier, that there was no way that I was
17 going to be able to have a constructive conversation
18 with her. And I didn't believe with as upset as I
19 was that there would be any chance that anything
20 productive would come out of that. And the fact
21 that she had been sending me messages for almost two
22 years at that point, I didn't think that would be
23 successful in resolving my concerns.

24 Q. But during those two years, you had never
25 gotten any kind of message like this one?

1 A. No, not -- I had never received any videos
2 that were graphic in nature from her.

3 Q. You testified who the -- I think you
4 called it the grievance agent or something like that
5 and the name who was assigned to Ms. Carter's
6 grievance. Do you remember testifying to that?

7 A. Yes.

8 Q. Okay. Do you know whether she had a
9 steward also at the fact finding?

10 A. Whether she had a shop steward?

11 Q. Representative, yeah, shop steward.

12 A. I believe she did.

13 Q. Do you know who that was?

14 A. I believe it was Chris Sullivan.

15 Q. Chris Sullivan? And what is your
16 understanding of the role of the shop steward at a
17 termination fact finding?

18 A. Well, at the fact finding meeting process,
19 a termination hasn't occurred. It is the initial
20 stages in the Southwest Airlines investigation. And
21 shop steward's role is to make sure that the
22 investigation is, in terms of what happens in the
23 meeting, is handled correctly in that it's explained
24 to the flight attendant why they're there and that
25 it's explained what Southwest Airlines is looking

1 into. And the steward is also there to take notes
2 for the Union's records of the meeting and what took
3 place.

4 MR. CHAPPELL: Okay. I have CC-3.

5 (Grievant's Exhibit CC-3 marked)

6 BY MR. CHAPPELL:

7 Q. So I ask you to look at what's been
8 identified as CC-3 and ask you if you recognize
9 that.

10 A. Yes, I do.

11 Q. Okay. Could you tell us -- it says "From
12 Audrey" at the top. That's you, correct?

13 A. Yes.

14 Q. Okay. So go ahead and tell me what this
15 is.

16 THE ARBITRATOR: Can I have a date?
17 Because I don't see a date on this. Do you know the
18 date of this post?

19 THE WITNESS: I couldn't tell you exactly.
20 It was during our officer elections, so the first
21 quarter of 2015.

22 THE ARBITRATOR: '15?

23 THE WITNESS: Yes, sir.

24 MR. CHAPPELL: And also Exhibit CC-2
25 was -- I'm not saying that it came before or after

1 but that it was also in 2015.

2 BY MR. CHAPPELL:

3 Q. Okay. You were telling us what this was.

4 A. Some of the flight attendants that I was
5 running with during that election put together a
6 Facebook group. It was a private group to discuss
7 campaign, you know, elections, when we were going to
8 be, you know, out in the bases and where, and it was
9 a way for flight attendants who wanted to help, for
10 us to give them direction.

11 Some of the flight attendants on that
12 page, you know, were having conversations about
13 other flight attendants, other candidates. Some of
14 those screenshots got leaked from the private group
15 and were posted on other group pages. And flight
16 attendants were upset that, you know, there were
17 conversations of "I don't like this person," you
18 know, "Can you believe, you know, he did this,"
19 those kind of things.

20 And so I had made the post on behalf of
21 the group. There were seven flight attendants, six
22 other flight attendants that ran with me, and this
23 conversation occurred in that group.

24 Q. Okay. And basically the six or seven
25 would be what the "Core Team" refers to?

1 A. That was the name of the group.

2 Q. Oh, the private group that had a --

3 A. Yes.

4 Q. Okay. Now, did any of the comments that
5 were made there or leaked into the public or
6 whatever, did any of them lead to any flight
7 attendants filing complaints with the Company about
8 any of the things that were said?

9 A. I can't speak to confidential information
10 that I know because of my Union position.

11 Q. Well, the question just asks whether there
12 were any complaints filed with the Company. I don't
13 see how that reveals confidential information. I
14 won't ask you the names or anything like that.

15 MS. GEHRKE: I'm sorry. Can you repeat
16 the question?

17 THE REPORTER: "Well, the question just
18 asks whether there were any complaints filed with
19 the Company. I don't see how that reveals
20 confidential information. I won't ask you the names
21 or anything like that."

22 THE ARBITRATOR: I think that's a
23 legitimate question so far as that goes, so I'll
24 allow that.

25 MS. GEHRKE: No objection.

1 A. Yes.

2 BY MR. CHAPPELL:

3 Q. And were there more than ten filed over
4 that?

5 A. I don't know.

6 Q. But there was more than one?

7 A. I believe so.

8 Q. Okay. Now, when Southwest finished its
9 investigation of your complaint on Ms. Carter, were
10 you informed by Southwest of the results of the
11 investigation and your complaint?

12 A. I -- I was, only at the point -- the -- it
13 was still in discussions, the only time that I was
14 informed, and it was just that it was still in
15 discussions on settlements.

16 Q. Were you at some point informed by
17 Southwest employees, management, I'm not talking
18 about Union people telling you, but Southwest that
19 Ms. Carter had been terminated?

20 A. No.

21 Q. You eventually learned that that was the
22 result?

23 A. I did.

24 Q. And you were relieved?

25 A. No.

1 Q. Well, that would remove her from doing
2 this to your fellow flight attendants as part of
3 being a fellow flight attendant.

4 THE ARBITRATOR: I think she answered no.

5 MR. CHAPPELL: Okay. No further
6 questions.

7 REDIRECT EXAMINATION

8 BY MS. GEHRKE:

9 Q. Just a couple quick follow-ups, Ms. Stone.
10 Exhibit CC number 2, that was from looks
11 like the April 2015 time frame, correct?

12 A. Yes.

13 Q. And you testified earlier regarding your
14 statement in this message that there was some
15 concern about inconsistent application of the social
16 media policy and how the Company was applying it
17 subjectively. Is that right?

18 A. Yes.

19 Q. Are you aware that there was some changes
20 in how the Company began to apply the social media
21 policy in 2016 moving forward because of all the
22 social media issues that were coming up? Would you
23 say there was a change?

24 A. I don't know that I could speak to a
25 change in policy. I know that we were seeing more

1 activity of just more complaints coming forward from
2 our flight attendants and that the conversations on
3 social media were becoming even more negative and
4 more derogatory. And so, you know, that's what we
5 were directly hearing from our flight attendants and
6 my coworkers is just that it was getting worse.

7 Q. And do you know if because of all that
8 activity the Company started kind of cracking down
9 in terms of discipline being imposed? Did you
10 observe a tighter enforcement?

11 A. Yes, we did. There was a period of time
12 after this in 2015, what I spoke to in here, where
13 we were having conversations. And then we didn't
14 see cases coming through for a little while.

15 And then in 2016 we started seeing
16 discipline being issued again and more consistently
17 by Southwest Airlines for conversations that were
18 taking place on social media, although the
19 discipline issued wasn't always specifically around
20 the social media policy. There was workplace
21 violence, harassment, and other things that we were
22 seeing cited, but where the conversations started
23 were via Facebook.

24 Q. Okay. I want to show you Southwest
25 Exhibits 5 and 6. I don't know if you have those

1 there, so I will --

2 THE ARBITRATOR: You can hand her that.

3 Just refer to it for the record.

4 BY MS. GEHRKE:

5 Q. This is Southwest Exhibits 5 and 6.

6 They're the 2016 and 2015 read before flies that the
7 Company issued. Can you take a minute to look at
8 that document, those documents. Have you seen these
9 documents before?

10 A. Yes, I have.

11 Q. Do you believe or is it your understanding
12 that the Company issued those read before flies as
13 part of its kind of crackdown on all the social
14 media policies going on with the flight attendants?

15 A. Yes, it was.

16 Q. And to kind of warn flight attendants that
17 they were going to be cracking down in terms of the
18 discipline imposed if people were violating social
19 media and the other related policies on harassment,
20 bullying, and workplace violence?

21 A. Yes.

22 MS. GEHRKE: Thank you. No further
23 questions.

24 MR. CHAPPELL: No further questions.

25 THE ARBITRATOR: Thank you very much for

1 your time. I appreciated your testimony. It will
2 be very helpful to me. Let's be off for ten
3 minutes.

4 (Recess from 3:05 to 3:17)

5 THE ARBITRATOR: We'll go back on the
6 record. And would you tell her your name, please.

7 THE WITNESS: Meggan Jones.

8 THE ARBITRATOR: Meggan Jones. All right.
9 And would you raise your right hand, please.

10 Do you swear that the testimony you're
11 about to give in this arbitration shall be the
12 truth?

13 THE WITNESS: Yes, I do.

14 THE ARBITRATOR: Thank you. Your witness.

15 MS. GEHRKE: Thank you.

16 MEGGAN JONES,
17 having been duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 BY MS. GEHRKE:

20 Q. Good afternoon, Ms. Jones. Can you please
21 tell us how long you've been employed by Southwest
22 Airlines.

23 A. About six and a half years.

24 Q. And what's your current position?

25 A. Assistant base manager at the Denver

1 Inflight base.

2 Q. And is that your first position with
3 Southwest?

4 A. No. Prior to that I was an inflight
5 supervisor for about four years.

6 Q. And where were you located then?

7 A. Las Vegas prior to Denver and from 2011,
8 and then end of 2012 to present in Denver.

9 Q. And what are your job responsibilities at
10 Southwest as an assistant base manager?

11 A. My responsibilities include supporting the
12 base manager, supporting the staff and flight
13 attendants. We have a staff of 16, about 1,650
14 flight attendants that we provide support to, do
15 recognitions for them. We assist them with any
16 trouble they might have while they're flying.

17 We also conduct investigations if there's
18 been a potential violation of the work and conduct
19 rules or a violation of a Company policy. We
20 investigate claims that are made, things of that
21 nature.

22 Q. Are you familiar with the grievant,
23 Charlene Carter?

24 A. Yes, I am.

25 Q. And how do you know Ms. Carter?

1 A. She was a flight attendant at the Denver
2 base.

3 Q. And did you -- were you inflight
4 supervisor at the time that she was there?

5 A. Yes. I was actually her supervisor at the
6 time.

7 Q. Did you have much interaction with
8 Ms. Carter while you were her supervisor?

9 A. Not much. We would talk occasionally. It
10 was always very friendly, but outside of that not
11 really.

12 Q. Did you have any observations regarding
13 Ms. Carter's work schedule?

14 A. We used to see her more frequently, but
15 the last few years she hasn't flown a whole lot so
16 we don't see her. I actually hadn't seen her in
17 almost probably three years.

18 Q. And was she allowed under the collective
19 bargaining agreement to kind of give away her
20 shifts?

21 A. Yes. She gave away most of her shifts. I
22 believe she worked a total of maybe approximately
23 eight shifts over like the last two and a half,
24 three years. So she has the provision to basically
25 what we call trading away down to zero under the

1 collective bargaining agreement, and that's -- she
2 was exercising her right to do so.

3 Q. And that would allow her to basically not
4 work but still keep her employee benefits, flight
5 privileges, things like that?

6 A. Yes.

7 Q. And would that include paid vacation?

8 A. Yes, it does.

9 Q. And how much paid vacation would she have
10 received?

11 A. I don't know exactly what that number
12 would be. It's based upon years of service. That's
13 what your vacation is factored in under, and I
14 believe that at her tenure it's approximately four
15 or five weeks of vacation per year.

16 MS. GEHRKE: Okay. I'm going to mark this
17 document as Southwest Exhibit No. 11.

18 (Company Exhibit 11 marked)

19 BY MS. GEHRKE:

20 Q. We're just going to cover this very
21 briefly. I don't want to belabor the point, but I
22 wanted you to have the documentation. Ms. Jones,
23 are you familiar with this document?

24 A. Yes.

25 Q. What is it?

1 A. This is a copy of what we call a board,
2 which is a schedule for a flight attendant, from
3 February of 2015. This is Charlene's, a copy of her
4 February schedule.

5 Q. And how are these reports generated or
6 this board generated?

7 A. It's a scheduling system called CWA which
8 basically manages and tracks trips, gives them the
9 ability to trade, communicate with other flight
10 attendants, things of that nature.

11 Q. Okay. And based on this documentation,
12 can you estimate how many days Ms. Carter actually
13 worked or flew in 2015?

14 MR. CHAPPELL: Objection. I fail to see
15 the relevance. This is provided for in the
16 collective bargaining agreement. I think it's
17 prejudicial in nature. And we've already
18 established that she exercised those rights to go
19 in, and the rest of this is taking us into a --

20 THE ARBITRATOR: The testimony was maybe
21 eight or nine trips or shifts over the last two
22 years?

23 MS. GEHRKE: I think she said eight or
24 nine days --

25 THE WITNESS: Days.

1 MS. GEHRKE: -- over three years.

2 THE ARBITRATOR: All right.

3 MS. GEHRKE: I just want to get these in
4 so you have the documentation.

5 THE ARBITRATOR: We'll let it in, but I
6 don't need testimony about doing the math.

7 MS. GEHRKE: Okay. So, let 11 in then?

8 THE ARBITRATOR: Yeah, it's just
9 verification.

10 MS. GEHRKE: Okay. We'll go through '16
11 and '17 really quick.

12 MR. CHAPPELL: I still object.

13 (Company Exhibit 12 marked)

14 MS. GEHRKE: This is Southwest
15 Exhibit No. 12.

16 MR. CHAPPELL: Same objection.

17 THE ARBITRATOR: I got you. It'll be
18 introduced over your objection for the limited
19 purposes of showing she didn't have that many
20 flights. Right?

21 MS. GEHRKE: Correct. And just for your
22 information as to relevance, if for some reason the
23 arbitrator were to rule that we do not have just
24 cause to terminate, I think it would be relevant to
25 the remedy because back pay would be pretty much

1 zero, but --

2 THE ARBITRATOR: Okay.

3 MR. CHAPPELL: Normally they order back
4 pay and let everybody figure that out, but anyway.

5 (Company Exhibit 13 marked)

6 MS. GEHRKE: This is Company Exhibit 13.

7 MR. CHAPPELL: And it hasn't changed.

8 THE ARBITRATOR: Okay.

9 MS. GEHRKE: We'll add that in as well.

10 Thank you.

11 THE ARBITRATOR: Yeah, 11, 12, 13 are
12 admitted.

13 BY MS. GEHRKE:

14 Q. All right. Ms. Jones, can you tell us if
15 you were involved in the investigation involving
16 Ms. Carter and the social media messages?

17 A. Yes. I assisted our base manager with the
18 investigation as far as just taking notes in the
19 meeting and supporting him in the meeting. I asked
20 clarification questions. That was pretty much the
21 extent of my involvement in the case.

22 Q. Okay. And who was present at that fact
23 finding meeting?

24 A. That was our base manager, Ed Schneider,
25 myself. Charlene was there with her Union rep,

1 Chris Sullivan. And conferenced in via telephone
2 was Denise Gutierrez from employee relations and
3 Edie Barnett from our people department.

4 Q. And you were the designated note taker?

5 A. Correct.

6 Q. And you took those notes on computer?

7 A. Yes, I did.

8 Q. Did you personally ask questions of
9 Ms. Carter during the fact finding meeting?

10 A. I did, yes.

11 Q. Okay. Walk us through kind of generally
12 what you remember discussing with Ms. Carter at the
13 meeting with respect to the messages. How did you
14 start the meeting?

15 A. Well, Ed opened the meeting and he
16 explained why we were there. And after
17 introductions from everybody that was present, he
18 opened the meeting by basically asking Charlene if
19 she had sent the messages and why.

20 And Charlene explained her stance on it as
21 to why she sent those messages, and she was very
22 passionate about the reasons why she sent them. She
23 stated she's a Christian, she's conservative, she's
24 pro-life, and she felt that the Union was not
25 representing her beliefs properly and that they

1 didn't stand for the entire membership.

2 She was also very upset with the Union
3 president for attending the women's march in D.C.
4 and felt that that was against her religious beliefs
5 for what they were marching for there and that she
6 disagreed with the reasons why they were marching.

7 And we talked about Facebook posts that
8 had been sent to Audrey Stone, the Union president.
9 Since 2015 there had been a series of messages sent
10 to Audrey, but specifically the reason we were there
11 was to discuss the most recent posts which was a
12 picture -- or, I'm sorry, videos of what appeared to
13 be an aborted child with a message underneath that
14 was directed to Audrey which was sent to her in a
15 personal message on Facebook.

16 Q. Okay. Did I hear you correctly that
17 Ms. Carter admitted that she had sent those messages
18 to Ms. Carter -- to Ms. Stone regarding abortion?

19 A. Yes, she did.

20 Q. Did she admit that the videos were
21 graphic?

22 A. Yes, she did.

23 Q. Did you actually show her the pictures of
24 the two videos to identify what had been turned in
25 to the Company?

1 A. Yes, we did. I believe that we actually
2 played them in the fact finding, both videos. We
3 reviewed them.

4 Q. We're not going to play it again or
5 anything like that. I don't think there's any
6 dispute that those were the videos.

7 Did the Company ask her if she had also
8 posted those videos on her public Facebook page?

9 A. Yes. We discussed that in the meeting as
10 well, that those same videos were posted on her time
11 line, which is public to anybody to see in
12 Charlene's case including people she might be
13 friends with that are Southwest Airlines employees
14 or customers of Southwest Airlines. Or just anybody
15 who was running a search for anything that was
16 hashtagged in that video, they could see that on her
17 page.

18 And we discussed in addition to that other
19 photographs that she had posted on her page of her
20 at work in her flight attendant uniform and some
21 political statements that she had posted with her
22 flight attendant wings to establish that she had
23 made a nexus to the airline by having those
24 identifiable uniform pictures of her on her page.

25 Q. Okay. If you could look at Southwest

1 Company Exhibit No. 8, were these the public
2 Facebook posts of the abortion videos and then the
3 one still photo with the vagina headdresses and then
4 the Southwest employee pictures that you guys
5 discussed at the meeting?

6 A. The one with the headdresses is not in
7 here, but we did discuss that photo at the meeting.

8 Q. Okay. The vagina headdress one was part
9 of the private Messenger photos that she had sent to
10 Ms. Stone?

11 A. Yes.

12 Q. Did Ms. Carter seem to understand during
13 the fact finding meeting why her messages to
14 Ms. Stone and on her posts on her public Facebook
15 page, why they were a problem?

16 A. No, she didn't. And she felt that because
17 she did not support the cause that the Union was
18 representing at the women's march and that she was
19 not a Union supporter that she had the right to
20 voice these concerns to Audrey directly. And she
21 kept referring to her belief system as a Christian,
22 that she had the right to do so based off of her
23 values.

24 And at one point in the meeting I
25 clarified with her that it's not her belief system

1 or her problem with the Union that is the problem,
2 it's not the complaining about those things that's
3 the problem. You have the right to have those
4 views. You have the right to complain about those
5 views. It's the manner in which she chose to
6 express those views to Audrey in those messages.
7 That was the reason that we were in there for the
8 meeting, because of the graphic nature and really
9 egregious nature of what those posts were.

10 Q. Did Ms. Carter explain to you why
11 Ms. Stone going to the women's march in Washington,
12 D.C., was a problem for her?

13 A. Yes. There were several reasons, but
14 primarily because of the abortion issue. Charlene
15 at the beginning of the meeting told us that's a
16 very near and dear cause to her heart because when
17 she was younger she had an abortion and she realized
18 that it was wrong. And what she learned, what
19 actually went into that, she felt very remorseful
20 about that and wanted to get the word out as much as
21 she could to educate on what actually happens during
22 an abortion.

23 So when she saw pictures of Audrey at the
24 women's march, she associated that with Audrey being
25 pro-choice, which was very upsetting for Charlene,

1 and assumed that Audrey's belief system was also
2 pro-abortion and felt that the pink knit hats that
3 they wore were a representation of supporting
4 abortion and pro-choice rights, and she had a big
5 issue with them marching next to Planned Parenthood.
6 So she felt that sending those videos to Audrey was
7 a way to let Audrey know that this is what you were
8 there supporting, you were supporting this murder.
9 And she actually called her a murderer in some of
10 those messages.

11 Q. Did you ask Ms. Carter if she actually
12 knew for a fact what Ms. Stone's views were on
13 abortion?

14 A. I did. She said that she did not know
15 what her views were on abortion, and she stated that
16 part of why she sent those messages to Audrey was to
17 open dialogue with her to talk to her. But from
18 reviewing the posts, there was nothing about them
19 that really inspired an open dialogue. They were
20 more like statements with lots of exclamation points
21 and kind of like hateful-sounding things.

22 And so I asked Mrs. Carter if she felt
23 that the nature of that post opened dialogue. She
24 felt that it did. And I also asked her why she
25 didn't just ask Audrey what her beliefs were on

1 abortion instead of sending her this awful, graphic
2 video. It was very disturbing. And she didn't
3 really have a response for that, so --

4 Q. Did Ms. Carter say anything during the
5 fact finding meeting about being upset that she was
6 not allowed to go with the women's committee to the
7 women's march?

8 A. Yes. She repeatedly told us that she was
9 uninvited to the women's march. And so through the
10 meeting we were able to clarify that Charlene had
11 been turned away from being able to march and it was
12 not the Union that turned her away, it was the
13 organizers of the march. And she felt that her
14 rights were being violated as a pro-lifer, that she
15 was being turned away from that march because of her
16 beliefs being pro-life.

17 And really what she honed in on on that
18 meeting was "I was not allowed to march at this
19 meeting but my Union was allowed to march at
20 this" -- excuse me, not meeting but women's march --
21 "but my Union was allowed to march at this march and
22 how come they didn't extend this invitation to all
23 flight attendants. I didn't get invited. I got
24 uninvited."

25 So that was a really -- kind of --

1 something that bothered her that she mentioned quite
2 often throughout the meeting, but it wasn't -- we
3 clarified that it was not the Union that uninvited
4 her, because it was kind of unclear to us through
5 the way she was making her statements. It was the
6 organizers of the march, so -- but she felt that
7 there was a connection there because the Union was
8 there, Union representatives were there marching in
9 the march.

10 Q. Were the organizers of the march Southwest
11 employees?

12 A. No, they were not. They were just
13 participants.

14 Q. Did Ms. Carter say anything during the
15 fact finding meeting regarding the need to even have
16 this women's march?

17 A. She stated she did not agree with the
18 women's march because it did not represent -- the
19 way she stated it was that she felt that women were
20 treated fairly, that there was not an issue with
21 unequal pay for women or like sexual harassment
22 issues and that there was equality. So she didn't
23 believe there was a need to have this march because
24 in her viewpoint we as women were treated the same
25 as men.

1 And so that was kind of part also of why
2 she disagreed with the march in addition to being
3 pro-life, and there was a lot of pro-choice rights
4 being, like, pushed up at that march.

5 Q. Did it come up during the fact finding
6 meeting that Ms. Carter was an objector and had
7 opted out of the Union?

8 A. Yes, she told us kind of towards the end
9 of the meeting that she was an opter-outer, is how
10 she phrased it, of the Union and that she supported
11 the right-to-work organization and did not believe
12 in the Union's cause basically and had kind of a
13 longstanding disagreement with the Union. And she
14 felt that she was being turned in by the Union
15 president because of being an opter-outer and not
16 because the posts were actually disturbing.

17 Q. Did she mention anything during the fact
18 finding meeting regarding her disagreements over how
19 the Union was spending dues money?

20 A. Yes. She talked about that she did not
21 want her Union dues going to a cause that she did
22 not support and that that was -- I believe one of
23 the posts said something about the hardworking --
24 like the money on Audrey's back, the hardworking
25 money from the Union on her back being at these

1 events and things like that.

2 And so for Ms. Carter, she felt that it
3 was improper use of those funds to go use them for a
4 political cause or what she had identified as a
5 political cause that she did not support.

6 Q. And at that point did -- well, first of
7 all, did Ms. Carter have Union representation during
8 the fact finding meeting?

9 A. She did, yes.

10 Q. And who was that?

11 A. Chris Sullivan.

12 Q. And at that point in the meeting, did
13 Mr. Sullivan speak up about the kind of dues issue
14 and how money was being spent?

15 A. He did. He clarified what a objector is
16 and basically that they have a partial amount of
17 their fees refunded. And then he clarified where
18 the money actually does and doesn't go to if you're
19 an objector, so you can't participate in like
20 elections, and he just clarified for us how that
21 money is divided as an objector.

22 Q. Did he offer an opinion as to whether the
23 women's committee going to Washington, D.C., if that
24 was kind of official Union business versus
25 political?

1 A. He didn't, no.

2 THE ARBITRATOR: Are you going to call him
3 as a witness?

4 MS. GEHRKE: No.

5 THE ARBITRATOR: Okay.

6 BY MS. GEHRKE:

7 Q. Did Ms. Carter mention at all that she was
8 upset that the International Union had been sending
9 her mailers and things to her home?

10 A. She mentioned that she was upset that she
11 had been receiving mailers, but she didn't say that
12 they were from International. That was clarified by
13 Chris later in the meeting. She felt that they were
14 from Audrey personally, and she said, "Audrey keeps
15 sending me these things and I don't want to get
16 these things."

17 So I asked her specifically if Audrey had
18 personally sent those to her, and then she
19 clarified, no, that Audrey did not personally send
20 them to her. And then it was clarified later in the
21 meeting I believe by Chris that those mailers come
22 from International.

23 Q. Was it asked of Ms. Carter during the fact
24 finding meeting whether Ms. Stone had ever initiated
25 communications with Ms. Carter?

1 A. Yes. We did ask if they had ever
2 personally communicated with one another, and
3 Ms. Carter said that the only time that they had
4 personally communicated was about four years prior
5 at a Union meeting but that there had not been any
6 actual dialogue between the two of them.

7 Q. At the time the fact finding meeting
8 occurred, had the Company already received from
9 Ms. Stone all of the messages that Ms. Carter had
10 sent her on the private Facebook Messenger?

11 A. To my understanding, yes.

12 Q. And did you guys have those with you?

13 A. Yes, we did.

14 Q. And did you show them to Ms. Carter?

15 A. Yes, we did.

16 Q. Did she admit sending them?

17 A. Yes, she did.

18 Q. Did you discuss the sheer volume and tone
19 of those messages with Ms. Carter?

20 A. Yes, and we discussed the length of time
21 that this had been occurring had dated all the way
22 back to 2015. And Ms. Carter stated that her goal
23 was simply to open dialogue with Audrey. But in
24 reviewing those statements, there was nothing about
25 them that ever indicated that she actually wanted to

1 speak with Audrey. They were more like opinion
2 statements that she sent to her, rhetorical
3 questions. There was never an invitation to discuss
4 any of those issues.

5 Q. Did you ask her directly why she was
6 sending her so many posts?

7 A. I don't recall if I asked her that
8 directly. I believe that the ER investigator did
9 ask her why she continued to send these repeated
10 posts after she had not been getting any responses,
11 and her response was, "They're all on different
12 issues and I just wanted to get dialogue going."

13 Q. And at some point did the Union rep on at
14 least one occasion pull her out of the room?

15 A. Yes, they stepped out at least twice.

16 Q. Was there a discussion during the fact
17 finding meeting as to whether or not Ms. Carter had
18 ever attempted to contact Ms. Stone via e-mail or
19 phone or some other method of contact since she
20 wasn't getting a response on Facebook Messenger?

21 A. Yes, I actually asked her if she had tried
22 any other means of communication to contact Audrey,
23 and she stated she had not. And I also asked her if
24 she had tried to call the Union office to speak with
25 her, but she stated she had called the office prior

1 but never spoke with Audrey. So she had called for
2 different issues, not to speak with Audrey directly.

3 Q. Did she say she had ever left Ms. Stone a
4 voice mail that had not been returned?

5 A. No.

6 Q. Was Ms. Carter apologetic at all regarding
7 her conduct towards Ms. Stone?

8 A. No, she wasn't. And that was something
9 that kind of stood out to me as interesting at the
10 meeting because throughout the -- it was a lengthy
11 meeting, and throughout the whole discussion there
12 was never any remorse that this caused another
13 individual some great anxiety and pain watching
14 those videos, and it was more about her dislike for
15 the Union and how she felt justified sending this to
16 her because of her personal belief system.

17 And it didn't appear that she made the
18 connection that this actually hurt another human
19 being in kind of a deep way. And so there was never
20 like any regret or remorse or apology offered for
21 that behavior.

22 Q. Did Ms. Carter ever raise the issue of
23 retaliation or that she felt that the Company was
24 retaliating against her because she was an objector?

25 A. No.

1 Q. Did she ever raise the allegation that she
2 felt the Company was collaborating with the Union to
3 try to get rid of her because she was an objector?

4 A. No, she didn't.

5 Q. Was Ms. Carter upset that Ms. Stone had
6 turned her in to the management?

7 A. Yes. She made several statements
8 throughout the meeting that "My own president turned
9 me in." And she felt that that was not acceptable
10 that she had taken that -- made that decision and
11 turned the posts over to the Company.

12 Q. I want to ask you some questions about the
13 decision to terminate Ms. Carter.

14 A. Okay.

15 Q. Were you involved in that decision?

16 A. No, it was not my decision.

17 Q. Who made that decision?

18 A. Ed Schneider, our base manager.

19 Q. And did you provide any feedback to
20 Mr. Schneider to help him in making that decision?

21 A. We had some discussion after the meeting
22 about the information provided, but that was pretty
23 much it for me.

24 Q. What was your view regarding the
25 appropriateness of the termination based on what you

1 had seen and heard and the documents you reviewed?

2 A. In review of --

3 MR. CHAPPELL: Objection. Foundation.

4 THE ARBITRATOR: Well, she said based on
5 the documents she had seen and the investigation
6 what was her view. I think that's the foundation.
7 I think it's a good question.

8 MR. CHAPPELL: Okay. But she didn't say
9 that she was involved in the termination decision.

10 THE ARBITRATOR: She said she didn't make
11 the decision, but I think it's fair for her to --

12 MR. CHAPPELL: Okay.

13 MS. GEHRKE: She's seen other
14 terminations, so I think it's --

15 MR. CHAPPELL: That hasn't been
16 established.

17 THE ARBITRATOR: Well, let's let her take
18 this step and we'll see where we go.

19 Do you understand the question?

20 THE WITNESS: Can you reask it?

21 MS. GEHRKE: Sure.

22 THE WITNESS: Thank you.

23 BY MS. GEHRKE:

24 Q. What was your view regarding the
25 appropriateness of the termination in light of what

1 you learned during the investigation, the fact
2 finding meeting and the documents you had reviewed?

3 A. The purpose of the meeting was to discuss
4 those videos. And based off of everything that I
5 had learned in the meeting, I felt it was
6 appropriate to terminate Ms. Carter because it was
7 an egregious violation of the social media policy,
8 the bullying policy, and those policies protect all
9 Southwest employees. It doesn't matter what
10 position you hold or what job you have. Those
11 policies are designed to encompass the entire
12 workforce.

13 So Charlene is protected under those just
14 like Audrey is. And disliking or not supporting a
15 cause is okay, but to go to that extent to cross
16 that boundary is not okay. It's not the core values
17 that Southwest is built on, and it also violated
18 several of our policies. And so I did feel that
19 termination was appropriate.

20 Q. In coming to that opinion, did you also
21 factor in the public Facebook posts?

22 A. Yes. It's damaging to the Southwest brand
23 and the image that Southwest has on these topics or
24 to the public in general.

25 Q. And had you ever seen a similar allegation

1 or another employee terminated at Southwest for this
2 type of violation?

3 A. This was the most egregious I had seen.
4 So in the Denver base I had not seen it, but this
5 was also the most egregious case that we had in
6 Denver so far, so --

7 MS. GEHRKE: I have no further questions.

8 THE ARBITRATOR: All right, sir.

9 MR. CHAPPELL: Okay.

10 CROSS-EXAMINATION

11 BY MR. CHAPPELL:

12 Q. You testified that Ms. Carter called
13 Ms. Stone a murderer or supporting murder? Was that
14 your testimony?

15 A. Yes.

16 Q. Okay. Now, did she say that specifically
17 in the fact finding meeting? Did Ms. Carter say
18 that?

19 A. She did not verbalize it in the meeting.
20 It was in a post and it was part of the discussion
21 of the -- that post was part of the discussion in
22 the meeting.

23 Q. Okay. I show you what's been marked as
24 Southwest Exhibit 9, and it's -- I think it consists
25 of more than two pages, but I direct your attention

1 to page 2.

2 A. Okay.

3 Q. And at the top above the video rendition
4 here, there is some typing. You see that?

5 A. Uh-huh.

6 Q. And is it your understanding that that
7 typing was done by Ms. Carter?

8 A. Yes.

9 Q. Okay. And is that the basis for what is
10 stated there for you saying that she called
11 Ms. Stone individually supporting murder?

12 A. Do you have the other Facebook posts I
13 could review?

14 Q. Yes. This is the whole -- this is
15 Exhibit 9 which is that whole history you talked
16 about.

17 A. Yes, this is it.

18 Q. Okay. And could you just read -- it's
19 very short. Could you just read those two lines?

20 A. "TWU-AFL-CIO and 556 are supporting this
21 murder."

22 Q. Anywhere there does it say Audrey Stone is
23 supporting this murder?

24 A. As the president of the Union, it's
25 implied through that post.

1 Q. And you also, in answer to a question,
2 said that Ms. Carter admitted that the videos were
3 graphic. Do you remember saying that?

4 A. Yes.

5 Q. Did she actually say graphic or admitted
6 that she agreed they were graphic in her actual
7 verbal answers during the fact finding?

8 A. She agreed that they were graphic.

9 Q. Isn't it true that both Ed and -- anyway,
10 isn't it true that Ed described them as graphic but
11 she did not admit that they were graphic but instead
12 answered it that she had sent the video?

13 A. To my recollection, she -- there was an
14 agreement, but without looking at the notes to know
15 the exact answer, I couldn't quote what she said.
16 But it's -- from my recollection, he asked her if
17 she agreed that the videos were graphic, and she
18 said, "Yes, they're graphic." It was something to
19 that extent.

20 Q. Isn't it true that he really said, "These
21 videos are pretty graphic," but his question then
22 was, "Did you send them to anyone else"?

23 A. It was, I believe, towards the beginning
24 of the meeting that he asked her that question.

25 Q. In the same type of -- his

1 characterization of them being graphic but then the
2 question being did she send them to Audrey, isn't
3 that really the way it came up?

4 A. I'm sorry. Can you repeat that?

5 Q. Okay. He described them as graphic in a
6 statement, but then his question to her that she
7 answered was whether she had sent the video to
8 Audrey. Isn't that the proper way it was done?

9 A. I don't believe that it was a -- to my
10 recollection that it was like a double question. I
11 believe she answered yes when he asked about -- he
12 made the statement about the videos being graphic
13 and then asked her if she had sent the videos and
14 she replied yes. And I believe she said in
15 agreement that they were graphic.

16 Q. So you believe that someone asked her
17 point-blank, "Do you agree that they are graphic"?

18 A. No, it was not a question that was stated
19 that way. It was when Ed was questioning her, he
20 stated, "These are pretty graphic." And I believe
21 that Charlene responded with, "Yes, they are
22 graphic." She agreed that they were graphic.

23 Q. Okay. So your recollection is that she
24 used the term "graphic" herself?

25 A. To my recollection, yes. I'd have to look

1 at the fact finding notes to know specifically what
2 her wording was on that.

3 Q. Okay. But it's possible that other notes
4 of people -- there were various people taking notes
5 in that meeting, correct?

6 A. Chris Sullivan also took notes at the
7 meeting.

8 Q. Right. And you took notes.

9 A. Yes.

10 Q. Right. And your notes aren't here, at
11 least you're not reviewing them now, correct?

12 A. No, I didn't think I could bring them with
13 me.

14 Q. And it's possible that both your notes and
15 Chris Sullivan's notes may not reflect that she
16 actually said the word "graphic" herself. Isn't
17 that correct?

18 A. That is very possible. Chris was
19 handwriting his notes, and I was typing. And part
20 of why I took the notes in this meeting was I can
21 type very quickly, so it's a more accurate capture
22 of information versus handwriting.

23 THE ARBITRATOR: Incidentally, I notice
24 the grievant isn't here. Is that a problem?

25 MR. CHAPPELL: Unless you would like her

1 to be here.

2 THE ARBITRATOR: It's her hearing, and if
3 she wants to be here --

4 MR. CHAPPELL: I appreciate you alerting
5 me to that because I hadn't realized she had walked
6 out.

7 MR. JENNINGS: She'll be back in a few
8 minutes.

9 MR. CHAPPELL: Why don't we take --

10 THE ARBITRATOR: Because we don't have
11 time. We'll move on.

12 MR. CHAPPELL: That's why I was moving on.

13 THE ARBITRATOR: We'll move on. She's
14 going to say, "I never admitted it was graphic."
15 Y'all think she did. I get it.

16 BY MR. CHAPPELL:

17 Q. You testified that Ms. Carter explained
18 that she had a personal experience with abortion and
19 regretted it?

20 A. Yes, correct.

21 Q. And isn't it true that she also said that
22 one of the reasons that she was so passionate about
23 this issue and that she wanted money being -- her
24 money being stopped spent was that she wanted to
25 help another person from going through what she had

1 gone through?

2 A. That is not true. That's not how she
3 phrased it in the meeting. She stated that the
4 reason she was passionate about it is that she had
5 an abortion and she wanted to get the word out
6 wherever she could. And later in the meeting she
7 stated that because she does not support -- because
8 she's pro-life, that's why she didn't want her money
9 being used for things like Audrey going to the
10 women's march and representing there, because it did
11 not represent her value system.

12 Q. So she did not say in the fact finding,
13 "If I can help another person from going through the
14 hurt I went through, I will"?

15 A. She did make that statement, but not as a
16 reason why she sent those videos to Audrey. She
17 said that's the reason why she was passionate about
18 the abortion topic.

19 Q. And didn't she say that in response to the
20 question of why she had posted those videos on her
21 personal Facebook page?

22 A. I believe that that was her response to
23 that question, but that was separate from the
24 reasons why she sent them to Audrey. That was her
25 motivation for acting out against the cause of

1 her -- her belief system, her value system. The
2 first thing she said is, "I'm Christian, I'm
3 conservative," and then she followed it up with her
4 experience, her personal experience and wanting to
5 educate on it. But that was not cited as a reason
6 for sending that video to Audrey.

7 Q. Wasn't she also told that she wasn't
8 supposed to take sides in political matters and that
9 was a problem for Southwest if they were connected
10 with that?

11 MS. GEHRKE: Sorry, who?

12 THE ARBITRATOR: For Southwest.

13 BY MR. CHAPPELL:

14 Q. Wasn't Ms. Carter told that she wasn't
15 supposed to take sides on political matters? I
16 think this was in reference to a screenshot of her
17 supporting Israel.

18 A. That's not what she was told. She told
19 that -- she was told that if she connected her
20 political beliefs to the workplace, that's when it
21 became an issue for Southwest. But taking sides is
22 not an issue for Southwest. It's if you represent
23 that on your Facebook page, for example, in your
24 uniform, that image it creates that Southwest could
25 support that same belief system. So there was no

1 discussion that she shouldn't take sides. We
2 discussed the nexus to the workplace.

3 Q. Okay. But when there's a nexus to the
4 workplace, that casts Southwest as taking sides on
5 political issues or supporting one person or
6 another, correct?

7 A. It could create that image, yeah, at
8 Southwest.

9 Q. And that's what Southwest is trying to
10 prevent, correct?

11 A. Correct.

12 Q. Okay.

13 A. So she could have posted, you know, like
14 her -- she had a picture of her wings with a
15 statement about Israel. She could have made that
16 post, but because she had pictures of her with like
17 her uniform and her wings, it created that
18 connection there.

19 Q. Okay. So she also -- are you aware that
20 either from Ms. Carter or from your investigation
21 that there were newspaper reports about certain
22 flights of Southwest of women going to the women's
23 march being turned pink?

24 A. Yes. That was a separate investigation.
25 That was handled outside of this case for the same

1 reasons.

2 Q. But you are aware?

3 A. Yes. Yeah.

4 Q. And that Southwest officials are quoted as
5 saying that this is what they wanted? I mean, isn't
6 Southwest taking a political stand by letting the
7 lights turn pink?

8 A. I don't -- I don't think I can accurately
9 answer that question. I don't know what Southwest
10 officials have said about it. But what I can speak
11 to is that situation was addressed for the reason
12 that Southwest stays neutral on political issues.

13 So although Ms. Carter had the perception
14 that Southwest was supporting that, we didn't, and
15 that's exactly why we don't allow employees to
16 create a nexus to the workplace with their political
17 beliefs, because it creates that belief system and
18 that image even to our own employees that we are
19 supporting a political cause that is not
20 representative. We stay neutral as a company.

21 Q. Did Ms. Carter tell you during the fact
22 finding that she had been threatened by a Union
23 executive board member and that is why she resigned
24 from the Union?

25 A. She didn't say -- she said she had been

1 threatened four years ago at a Union meeting but
2 had -- at that point she was already opted out of
3 the Union. That was not cited as a reason for
4 resigning from the Union.

5 Q. She did not say that "I was threatened in
6 the meeting and chose to opt out of the meeting"?

7 THE ARBITRATOR: Let me interrupt you a
8 minute. We're getting into subject matter that gets
9 really close to whatever is going on in the federal
10 court, and it doesn't have a place in my
11 arbitration. If you want to ask her what she said,
12 that's fine. I don't think we need to go down this
13 path. I think it's extraneous, it's dangerous.

14 We're judging what the Company's motivation was for
15 making a termination decision, and I just -- I don't
16 want to allow this line of questioning.

17 BY MR. CHAPPELL:

18 Q. Okay. Did Ms. Carter say that when she
19 was talking about wanting a dialogue that she
20 would -- she expected a phone call, she would talk
21 to Audrey?

22 A. What do you mean?

23 Q. Well, when you were asking her about
24 responding about the dialogue and she had said how
25 she had made contact and called but no one called

1 her back, didn't she also say that if Audrey called
2 her, she would have a discussion with her about the
3 videos?

4 A. I don't recall her saying that she had
5 left Audrey a message and that Audrey would call her
6 back. Because we discussed that specifically in the
7 meeting, why she didn't call Audrey, and she said
8 that she hadn't called Audrey but that she had
9 called the Union office and did not speak to Audrey,
10 it was for different issues. So I was not aware if
11 she had placed a phone call to her and left a
12 message.

13 Q. Didn't she say that if she had gotten such
14 videos or things about the abortion, right to life,
15 pro-choice issue, that she would have reached out to
16 the other person and not turned them in first?

17 A. She said that's how she would have handled
18 it, yes.

19 Q. Right. And didn't she say that that's
20 what she thought would happen with Audrey?

21 A. She said that's what she had hoped for,
22 not that's what she thought would happen with her,
23 was she had hoped for some dialogue on it.
24 Interestingly enough, over the years from --

25 THE ARBITRATOR: I don't think you get to

1 add "interestingly enough."

2 THE WITNESS: Okay.

3 THE ARBITRATOR: This is my personal
4 opinion, but he'll ask questions.

5 BY MR. CHAPPELL:

6 Q. Yeah, if you can answer my question. If I
7 want to know the interesting, I can ask you. Do you
8 have anything -- no, I'm not.

9 You also testified that the organizers of
10 the march were the ones that didn't allow her to go
11 to the march. Do you remember testifying to that?

12 A. That's what Charlene stated in the
13 meeting, yes.

14 Q. Oh, okay. So it's possible that Charlene
15 said the Union didn't let her go and you
16 misunderstood her?

17 A. She was implying that the Union had not
18 invited her and wouldn't allow her to -- well, she
19 actually said that in the meeting, that the Union
20 had uninvited her. And so I asked the clarifying
21 question was it the Union that did not invite you or
22 was it the Union that turned you away at this event,
23 and she clarified that it was the leaders of the
24 march that had turned her away.

25 MR. CHAPPELL: Okay. We'll let her

1 testify also about this.

2 I don't have any other questions.

3 THE ARBITRATOR: Okay.

4 MS. GEHRKE: Nothing further.

5 THE ARBITRATOR: Thank you, ma'am. I
6 appreciate your time.

7 THE WITNESS: Thank you.

8 MS. GEHRKE: We'll bring down the next
9 witness.

10 THE ARBITRATOR: That'll be fine.

11 MS. GEHRKE: While he's coming down, is it
12 okay if we take a break?

13 THE ARBITRATOR: That'll be fine.

14 (Recess from 4:06 to 4:15)

15 THE ARBITRATOR: We'll go back on the
16 record. Would you tell this young lady, who's the
17 court reporter, what your full name is.

18 THE WITNESS: Ed Schneider.

19 THE ARBITRATOR: S-C-H --

20 THE WITNESS: S-C-H-N-E-I-D-E-R.

21 THE ARBITRATOR: Would you raise your
22 right hand, please.

23 Do you swear the testimony you're about to
24 give in this arbitration shall be the truth?

25 THE WITNESS: Yes.

1 THE ARBITRATOR: Thank you.

2 ED SCHNEIDER,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. GEHRKE:

6 Q. Good afternoon, Mr. Schneider. Can you
7 tell us how long you've been employed by Southwest
8 Airlines.

9 A. 23 years.

10 Q. And what's your current title?

11 A. Manager of inflight operations in Denver.

12 Q. And how long have you held that position?

13 A. Eleven months.

14 Q. Can you briefly give us an overview of
15 your employment history at Southwest.

16 A. Prior to base manager, I was assistant
17 base manager in Phoenix base for -- since 2012. And
18 prior to that I was a supervisor 2 of administration
19 for two years. Prior to that I was a supervisor in
20 the Dallas base for five years. I was an RT
21 instructor in --

22 Q. I'm sorry. A what?

23 A. Recurrent training instructor in Orlando
24 for four years. And before that I was a flight
25 attendant for eight years.

1 Q. Okay.

2 A. And prior to that I was customer service
3 agent for two years.

4 Q. You made your way around the airline then.

5 A. Yes.

6 Q. Nice. What are some of your primary job
7 responsibilities as base manager in Denver?

8 A. I support the Denver base and make sure
9 obviously that all policies, procedures are
10 followed, that the base is running smoothly. I take
11 care of 1,654 flight attendants, and I have a staff
12 of 16 to assist me with that.

13 The regular duties are just overseeing all
14 investigations that happen in the base and making
15 sure that we follow all policies and procedures as
16 far as that goes.

17 Q. Okay. And are you familiar with the
18 grievant, Charlene Carter?

19 A. I am.

20 Q. How do you know Ms. Carter?

21 A. Through this investigation.

22 Q. And was Ms. Carter a flight attendant out
23 of the Denver base?

24 A. She was.

25 Q. Can you tell us your role in the

1 investigation of Ms. Carter and her social media
2 posts.

3 A. Yes. I received an e-mail from the
4 Las Vegas base manager, and she sent me information
5 that she received from Audrey Stone about some
6 messages that were sent to her and some posts. And
7 I began looking into that issue. I researched it a
8 little bit with employee relations and labor
9 relations and began my investigation.

10 I set up a fact finding meeting. We did
11 two extensions, I think, because Ms. Carter was out
12 of town, I believe, getting ready for this fact
13 finding. I conducted the fact finding and had
14 employee relations and HRBP on the phone with me
15 during the investigation just to get their input for
16 it.

17 And finished the investigation material
18 that was presented in the fact finding and things
19 that I had gathered outside of that and made my
20 decision on the discipline involved in this case.

21 Q. Okay. So let's back up a little bit a
22 couple of things that you said. You had overall
23 responsibility for the investigation?

24 A. Correct.

25 Q. And you involved employee relations and

1 labor relations, correct?

2 A. Yes.

3 Q. And did you have your assistant base
4 manager, Meggan Jones, assist you in any way?

5 A. She did. She assisted me in the fact
6 finding process in the meeting, taking notes for me.

7 Q. And did Ms. Jones also ask questions
8 herself during that meeting?

9 A. She did.

10 Q. And who did you work with in labor
11 relations on this investigation?

12 A. Maureen Emlet.

13 Q. And what about in employee relations?

14 A. Denise Gutierrez.

15 Q. And did you consult with anyone in the
16 people department?

17 A. I did, with Edie Barnett. She was our
18 HRBP for inflight. Human resource business partner.
19 I'm sorry.

20 Q. Walk me through kind of your standard
21 protocol when you're doing an investigation into
22 employee misconduct.

23 A. If we get information that something could
24 possibly lead to discipline that's egregious or
25 whatever, we look at the case and the information

1 that we have initially and determine whether we want
2 to take that case forward, if we want to call the
3 flight attendant and discuss with them. We make
4 that determination. And once we decide to move
5 forward with it, then we contact the flight
6 attendant, let them know the information that was
7 presented to us and give them the opportunity to
8 contact the Union and set up the meeting for us.

9 And once that's done, I start collecting
10 information in my investigation, whatever material
11 would be necessary for me to find out all the
12 information necessary, and then we conduct the fact
13 finding meeting. In the meeting we give the flight
14 attendant the opportunity to share their side of the
15 story and give us any information from their
16 perspective that may relate to the information that
17 I received initially.

18 And once I conduct that meeting, then, as
19 I stated, I get input from in this case labor
20 relations and employee relations, and from their
21 information I determine what the discipline will be.

22 Q. Do you determine whether or not there's
23 been violation of Company policy?

24 A. I do.

25 Q. And based on whatever that determination

1 is, you decide if discipline is appropriate and, if
2 so, what level of discipline?

3 A. Correct, yes.

4 Q. And once you decide on an appropriate
5 level of discipline, who do you inform of that
6 decision?

7 A. I would inform my leader, Dave Kissman and
8 Mike Sims, of what I intend to do.

9 Q. And what are their job titles?

10 A. Dave Kissman is the senior manager of
11 inflight for the western region, and Dave -- I mean,
12 I'm sorry, Mike Sims is the regional director for
13 inflight operations.

14 Q. Okay.

15 A. Senior director. Sorry.

16 Q. And the purpose of that is just to share
17 with them what you've been doing, what your
18 conclusions are, and see if they have any objection?

19 A. I share with them to let them know what my
20 decision is so that they're not caught offguard in
21 the future if something -- if it's grieved or it
22 comes down the line later on, just so they're aware
23 of that and ask them, you know, their thoughts on
24 it.

25 Q. Do they have the ability to veto your

1 decision?

2 A. No.

3 Q. Have they ever tried to veto your
4 decision?

5 A. No, no. Usually by that point -- well,
6 every time by that point, in my case, I thoroughly
7 investigate it and they're in agreement with what I
8 do.

9 Q. And then at some point is the decision
10 communicated to the grievant and the Union?

11 A. Yes.

12 Q. And how is that done?

13 A. I call the Union and the representative
14 that is working the case. They will contact the
15 flight attendant, and on the call we will -- I will
16 render my decision to both the Union and the flight
17 attendant.

18 Q. And then do you confirm in writing what
19 you did?

20 A. Yes. I have a letter that I write up and
21 I send certified mail to the flight attendant the
22 same day that I render.

23 Q. Okay. And did you follow that protocol,
24 that standard protocol in Ms. Carter's case?

25 A. Yes.

1 Q. Okay. You testified that you kind of
2 figure out what information is necessary for you to
3 go out and kind of uncover in order to determine
4 what happened and render a decision.

5 A. Yes.

6 Q. Is that right? In Ms. Carter's case what
7 types of information were you looking for? What did
8 you determine was necessary to kind of figure out
9 before you could decide what to do?

10 A. I gathered Facebook posts that were in
11 question on this one and also gathered information
12 on whether those posts were related to the Company
13 in any way and if there was enough information to
14 warrant the discipline. I also talked to Audrey on
15 the phone to verify information.

16 Q. I want to ask you some questions about the
17 fact finding meeting that you had with Ms. Carter.
18 Were you basically running that meeting?

19 A. Yes, I was.

20 Q. And did you take your own handwritten
21 notes?

22 A. Yes.

23 Q. But Ms. Jones was the official, quote,
24 note taker?

25 A. Correct.

1 Q. Did you review Ms. Jones' notes for
2 accuracy after she finished typing them up?

3 A. Yes, absolutely.

4 Q. And were they accurate?

5 A. They were very accurate.

6 Q. Do you recall approximately how many pages
7 of notes there were? I mean, was it only one or two
8 pages or was it --

9 A. No, it was probably closer to 12 pages.

10 Q. So they were fairly detailed?

11 A. Yes, they were very detailed. She did a
12 good job.

13 Q. During the fact finding meeting with
14 Ms. Carter, did you show her the private Messenger
15 Facebook posts that she had sent to Ms. Stone?

16 A. I did.

17 Q. I think you have a pile of documents
18 there, but I can show you my copy if you want. It's
19 Southwest Exhibit 7.

20 A. Thank you.

21 Q. If you could just take a minute to look at
22 this. Based on the evidence you collected during
23 your investigation and what was discussed with
24 Ms. Carter at the fact finding meeting, does this
25 represent what your understanding is of the private

1 Facebook Messenger posts that she was sent?

2 A. Yes.

3 Q. And did you question Ms. Carter regarding
4 why she sent these messages?

5 A. Yes.

6 Q. And what did she say?

7 A. She said that she was trying to get her
8 message to Audrey and to elicit communication or
9 response from her.

10 Q. Did she specify on what subject matter she
11 was trying to elicit a response?

12 A. Abortion topic.

13 Q. Okay. During the fact finding meeting,
14 did you ask Ms. Carter whether or not she agreed
15 that the Facebook messages were graphic?

16 A. I did ask her that question.

17 Q. And what was her response?

18 A. She said, "Yes, I posted these."

19 Q. Did you also review with Ms. Carter the
20 information that you had gathered regarding public
21 posts on her Facebook page?

22 A. Yes.

23 Q. If you could look at Southwest Exhibit 8.
24 It's this one.

25 A. I have it.

1 Q. Take a minute to look at this document and
2 familiarize yourself. Are these the public Facebook
3 posts that Southwest had uncovered during the
4 investigation?

5 A. Yes, they are.

6 Q. And did you discuss these with Ms. Carter
7 during the fact finding meeting?

8 A. Yes, I did.

9 Q. And did you ask her why she had posted
10 these on her public Facebook page?

11 A. Yes.

12 Q. What did she say?

13 A. She said she's trying to get her message
14 out to everyone in hopes that those that see it will
15 make the decision not to have an abortion possibly.

16 Q. Did you ask Ms. Carter or did you explain
17 to Ms. Carter why it was a concern to the Company
18 that she had made these posts on her public Facebook
19 page?

20 A. I did. I showed the pictures of her in
21 uniform on her Facebook page giving her and anyone
22 that would read them information that she's a flight
23 attendant for Southwest Airlines and a nexus to the
24 workplace.

25 Q. And what was her response?

1 A. Her response was that she had posted those
2 a long time ago.

3 Q. "Those" being what, the photos?

4 A. The photos, yes.

5 Q. And did you explain to her why they could
6 still be relevant?

7 A. Yes, I did.

8 Q. And what did you tell her?

9 A. I told her that anybody that had looked at
10 her posts previous to this would know that she was a
11 flight attendant, and once they saw these pictures
12 they could think that the same message she was
13 trying to generate was something that Southwest
14 promoted.

15 Q. Did you guys discuss at all during the
16 fact finding meeting with Ms. Carter the women's
17 march in Washington, D.C.?

18 A. She brought that up in the fact finding,
19 yes.

20 Q. What did she say about that?

21 A. She said she was upset because the Union
22 was there in the march and she didn't agree with it
23 and they were supporting pro-choice.

24 Q. Okay. What exactly upset her about that?

25 A. Because she is pro-life and they were not

1 supporting her and her thoughts respectfully.

2 Q. Did she raise the issue of Union dues or
3 the fact that she was an objector?

4 A. She did. She brought that up in the fact
5 finding.

6 Q. What did she say about that?

7 A. She said that she was a dissenter from the
8 Union and that she did not agree with their use of
9 the money and what it was being spent on, so she did
10 not want to be a part of the Union.

11 Q. Did Ms. Carter express disappointment that
12 she was not allowed to attend the march with the
13 women's committee?

14 A. She was upset because she was uninvited to
15 the march, in her words, and that she wanted to
16 participate in it and she was not allowed to.

17 Q. Did she say who had uninvited her?

18 A. Non-Southwest persons that were in charge
19 of the march.

20 Q. Did the Company representatives discuss
21 with Ms. Carter during the fact finding meeting the
22 nature of these messages and why Ms. Stone had
23 brought them forth to the Company?

24 A. Because they were egregious in nature and
25 that they were disparaging to her and she did not

1 appreciate receiving them, felt that she was
2 harassed by the fact that she was receiving them.

3 Q. And you spoke to Ms. Stone, right?

4 A. I did.

5 Q. At the time when you spoke to Ms. Stone
6 about messages she received from Ms. Carter, did she
7 convey to you that she was upset because she thought
8 these messages were somehow different than the prior
9 messages she had been receiving?

10 A. Yes. She --

11 MR. CHAPPELL: Objection. Leading.

12 THE ARBITRATOR: It was a little bit
13 leading, but sometimes that happens.

14 MR. CHAPPELL: Many times.

15 MS. GEHRKE: I'm just trying to move this
16 along.

17 MR. CHAPPELL: Oh, yeah. Well, that was a
18 nice one you would like him to testify to, a signal.

19 THE ARBITRATOR: We'd be here until
20 December 14th if we didn't have a little bit of
21 that.

22 Do you understand the question?

23 THE WITNESS: I do.

24 THE ARBITRATOR: Good. All right. You
25 can answer it. I know that you --

1 MR. CHAPPELL: And I've been restrained in
2 raising it.

3 THE ARBITRATOR: No, you have. You have
4 very much, and I appreciate it.

5 MR. CHAPPELL: Okay. Because I don't want
6 to be here until December 11th. No offense to
7 anyone that lives in Dallas.

8 BY MS. GEHRKE:

9 Q. Do you remember the question?

10 A. She indicated that she had been receiving
11 messages for quite some time and she just let them
12 go, but this one was much worse than any message
13 that she had ever received and it affected her
14 differently.

15 Q. During the fact finding meeting, did it
16 come up what Ms. Carter -- what Ms. Stone's -- let
17 me start again.

18 During the fact finding meeting, did it
19 come up whether Ms. Carter knew what Ms. Stone's
20 beliefs were on abortion?

21 A. We asked the question in the meeting, yes.

22 Q. And what was her response?

23 A. She did not know.

24 Q. Did you ask Ms. Carter if she was aware of
25 Ms. Stone's religious affiliation?

1 A. We did, and she was not aware of that
2 either.

3 Q. During the meeting did you ask Ms. Carter
4 regarding any other form of communication that she
5 may have had with Ms. Stone outside of Facebook?

6 A. We inquired whether she had tried to
7 communicate with Ms. Stone and had she tried any
8 other avenues to reach out to Ms. Stone to try to
9 communicate with her, and she said no.

10 Q. When you were explaining kind of the
11 Company's concerns regarding both the public and the
12 private Facebook messages, did Ms. Carter seem to
13 understand why the Company was concerned about the
14 messages?

15 A. I indicated to her that this information,
16 even though she was arguing, or not arguing, but
17 showing her displeasure towards the Union and was
18 upset because of the way the Union was using her
19 money or treating her, that there's a difference
20 there because the actual videos that she sent to
21 Ms. Stone was more of a person-to-person type thing
22 and was separate.

23 And that's something that we take very
24 seriously at Southwest, and I really wanted to get
25 across the point that we need to have a comfortable

1 workplace where people can feel comfortable working
2 and have access to Facebook and those type of things
3 without feeling harassed in any way. And the
4 working relationship is very important to us between
5 our flight attendants, and that's what I was trying
6 to indicate to her.

7 Q. Was Ms. Carter apologetic at all for her
8 actions?

9 A. At one point when I explained to her that
10 the Company noticed that her Facebook did indicate
11 she was a flight attendant with Southwest Airlines
12 and that I was worried about that showing Southwest
13 in a bad light and possibly painting a picture where
14 people believed that Southwest had the same beliefs
15 that she had, that she seemed like she didn't know
16 that and that she apologized.

17 Q. What about with respect to the messages
18 that she had sent Ms. Stone?

19 A. She never apologized or seemed regretful
20 for sending those to Ms. Stone.

21 Q. Did Ms. Carter ever raise the issue of --
22 that she felt that she was not being treated fairly
23 because she was an objector by either the Union or
24 Southwest?

25 A. She brought that up during the meeting and

1 said that when she decided not to participate with
2 the Union anymore and became an opter-outer, an
3 objector, she said, that she felt like she was
4 harassed by the Union in one of the meetings that
5 she went to. That was the only time that she ever
6 said she felt that way.

7 Q. Did she ever claim any retaliation or
8 harassment on Southwest's part?

9 A. No, never.

10 Q. Did she ever raise any concerns that she
11 thought that Southwest was trying to get rid of her
12 because she was an objector?

13 A. No, not the Company.

14 Q. Was Ms. Carter or did Ms. Carter convey
15 during the meeting that she was upset that Ms. Stone
16 had turned her in to the management?

17 A. Yes.

18 Q. Did she explain why?

19 A. Because flight attendants don't do that to
20 each other is what she told me, they don't turn each
21 other in.

22 Q. You testified earlier that you made the
23 decision to terminate Ms. Carter, correct?

24 A. Yes, I did.

25 Q. Okay. And other people you consulted with

1 as part of that decision, but ultimately you were
2 the decision-maker, correct?

3 A. Yes.

4 Q. Can you explain to us why you decided that
5 termination was the appropriate discipline for
6 Ms. Carter's actions?

7 A. When I read through the bullying and
8 hazing policy and our social media policy, it is
9 very explicit in stating what shows as the violation
10 of those. And to the egregiousness of these videos
11 and how they portrayed the fetus and everything in
12 them, that that was egregious enough for
13 termination.

14 Q. You just mentioned the two videos. Did
15 the still picture, the still post of the vagina
16 headdress, did that factor into your decision at
17 all?

18 A. The three of those together are inclusive
19 in what I made my decision on, the bullying, hazing,
20 and social media policy. And also, along the same
21 lines, the videos on her Facebook page where it
22 indicated clearly that she was a Southwest flight
23 attendant.

24 Q. So both -- all of that together kind of
25 factored into your decision?

1 A. Yes.

2 Q. Did you ever consider offering her a
3 30-day suspension or a lesser form of discipline?

4 A. I did not.

5 Q. Why not?

6 A. Because, once again, the egregious state
7 of these videos and how awful they were to view.

8 Q. Okay. So once you made your decision to
9 terminate Ms. Carter, I think you testified you ran
10 it by your leaders?

11 A. Yes.

12 Q. And did they agree with the decision?

13 A. They did.

14 Q. And then your standard procedure would be
15 to call the Union?

16 A. They conference in Charlene, and then I
17 render my decision to all of them.

18 Q. Okay. So that's what happened in this
19 case?

20 A. Yes.

21 Q. Okay. And then did you follow up with a
22 letter?

23 A. I followed up with a certified letter to
24 her home address.

25 THE ARBITRATOR: Is that part of Joint 2?

1 MS. GEHRKE: It is part of Joint 2.

2 THE ARBITRATOR: Can I have Joint 2
3 sometime?

4 MS. GEHRKE: Did we not give you that?

5 THE ARBITRATOR: No.

6 MS. GEHRKE: Oh, we didn't pass them out
7 yet. We'll just use it as part of Joint 2 then.

8 THE ARBITRATOR: Whatever you prefer.

9 MS. GEHRKE: We have it separately, but --

10 THE ARBITRATOR: I'll go ahead and take it
11 separately.

12 MS. GEHRKE: Okay. Separate?

13 THE ARBITRATOR: But I do want Joint 2 so
14 I can read it after dinner.

15 MS. GEHRKE: Okay. So here's Joint 2.

16 THE ARBITRATOR: Thank you.

17 (Joint Exhibit 8 marked)

18 MS. GEHRKE: All right. Let's mark this
19 one as Joint No. 8. This is the termination letter.

20 BY MS. GEHRKE:

21 Q. Mr. Schneider, do you recognize this
22 document?

23 A. Yes.

24 Q. And is this the termination letter that
25 you sent to Ms. Carter on or about March 14, 2017?

1 A. Yes.

2 Q. And that's your signature?

3 A. Yes, it is.

4 MS. GEHRKE: I believe all the joint
5 exhibits are in evidence, so I think we're good on
6 that. I have no further questions. Thank you.

7 THE ARBITRATOR: Thank you. Your witness.

8 MR. CHAPPELL: I need to confer with my
9 client a second.

10 THE ARBITRATOR: Sure. That'll be fine.

11 (Recess from 4:41 to 4:46)

12 THE ARBITRATOR: We'll go back on the
13 record then. It's your witness, sir.

14 MR. CHAPPELL: Okay. Thank you.

15 CROSS-EXAMINATION

16 BY MR. CHAPPELL:

17 Q. First of all, I'd like you to look at
18 Joint Exhibit 1 which is the collective bargaining
19 agreement. You have it in front of you. And I'd
20 like to draw your attention to -- might be already
21 opened here -- Article 19, Section 3, Subsection J
22 on pages 19-140.

23 A. Okay.

24 Q. And you see in that article that it says
25 that "Disciplinary decisions shall be based only on

1 performance and/or conduct occurring within the
2 18-month period of active status preceding the
3 incident"?

4 A. Okay.

5 Q. Okay. So now I'd like you to look at
6 Southwest Exhibit No. 8 which was in front of you
7 earlier and go to the third page and then each of
8 those following pages which are pictures that you
9 testified to from Charlene's Facebook --

10 A. Yes.

11 Q. -- public page. And my question is, what
12 steps did you take to know that those pictures were
13 posted by Charlene within 18 months of the incident?

14 A. She stated in the fact finding that those
15 were posted on her Facebook page.

16 Q. But my question to you is not that they
17 were posted on her Facebook page but that they had
18 been posted, the conduct that she had done in
19 posting them was done within 18 months.

20 A. That was not brought up in the fact
21 finding.

22 Q. Okay. So you took no effort to make sure
23 that her conduct in posting these photos were done
24 within the 18 months required by Subsection J?

25 A. I was only required to look at the

1 incident that we were investigating within the
2 last -- that it was within the last 18 months. This
3 information was from her Facebook page and had
4 previously been on her Facebook page indicating to
5 anybody that was a friend of hers or aware of it
6 that she was a Southwest employee.

7 Q. And it may have been put on her Facebook
8 page more than 18 months before the incident in
9 question, right?

10 A. Possibly.

11 Q. Right. And the collective bargaining
12 agreement says that you are not to use conduct that
13 is outside the 18 months to consider discipline,
14 correct?

15 A. Yes, as stated here, yes.

16 Q. So I am trying to understand how you could
17 consider these Facebook posts to decide whether she
18 had violated a social media policy in a public --
19 private but public, you know, her own Facebook posts
20 when you didn't know whether they were within the
21 18-month requirement.

22 A. I wasn't aware of when these were posted
23 on there, but they were just as references that her
24 Facebook page at one time indicated that she was a
25 Southwest employee.

1 Q. Let's say that none of those pictures
2 existed. Okay? I'm giving you a hypothetical. So
3 when I say "those pictures," I'm talking about from
4 the third picture to the end of Exhibit 8.

5 A. Okay.

6 Q. And again, I'm just talking about the
7 social media policy violation that deals with
8 putting Southwest in a bad light.

9 A. Okay.

10 Q. Okay? Would she have violated that policy
11 if all you had were these, the first two pages of
12 Exhibit 8?

13 A. If she -- that was just a part of my
14 decision in making it, so the actual -- if you're
15 asking if she violated it with just these, then yes,
16 I could say yes.

17 Q. If she did not have any of the pictures
18 that start on page 3 and go to the end of Exhibit 8,
19 how would anyone connect the two postings on her
20 Facebook page with the first two pages with
21 Southwest Airlines?

22 A. They may not be able to do that.

23 Q. Okay. And isn't it true that if, at least
24 for the social media policy, if the flight
25 attendant's use of social media cannot be connected

1 to Southwest, it's not a violation on the policy?

2 A. For this small portion of it, that could
3 be true, yes. But overall the answer would be no.

4 Q. I'm just asking you about a hypothetical
5 dealing with Exhibit 8 and the social media policy.

6 Now, you also testified that it was the
7 totality of both her public Facebook postings and
8 her Facebook messaging to Audrey that led you to
9 believe that termination was the appropriate remedy,
10 right?

11 A. Correct.

12 Q. Right. And so if you did not have the
13 public social media violation, your outcome, your
14 decision could have been different?

15 A. Not in this case.

16 Q. Okay. So you would have still recommended
17 termination just based on the Messenger postings
18 alone?

19 A. Yes, because of the violation of the
20 policies.

21 Q. Now, you looked at her employee -- the
22 personnel files, records to see what kind of an
23 employee she was as part of your investigation and
24 decision-making to recommend termination, correct?

25 A. Yes.

1 Q. And did you see any other kind of
2 investigations, charges, or anything dealing with
3 social media policy violations?

4 A. I went back 18 months and I did not see
5 any within the last 18 months. So at the same time
6 she did not work very much during that time, so --

7 Q. Okay. But you saw no other violations of
8 anything on Southwest policy in that period?

9 A. No, I did not.

10 Q. So this was, as far as you knew, her first
11 and only violation --

12 A. Yes.

13 Q. -- in her career. Okay. It is true that
14 Southwest also has a progressive discipline policy?

15 A. They do.

16 Q. Okay. Did you consider at all that
17 progressive discipline should be applied in this
18 case?

19 A. I looked at all of the discipline when I
20 was investigating this and getting my material
21 together before I made my decision, and based on the
22 egregiousness of these posts and the personal
23 messages that she sent to Audrey, I made my
24 determination that termination was the correct
25 discipline in this case.

1 Q. We have -- let me ask you a question. If
2 we need to find the document, we can do it. Are you
3 aware that there's a schedule of discipline dealing
4 with classes and suggested --

5 A. Yes.

6 Q. -- kinds of disciplines? And that a Class
7 II or a Class IV violation, while it can include
8 termination, normally starts with something less
9 like a final warning or --

10 A. A Class II gives the range of termination
11 as one of the options --

12 Q. Right.

13 A. -- for the first violation.

14 Q. Almost all of them do, but that's okay.
15 But you did consider these classes?

16 A. I did.

17 Q. Where did you think these violations,
18 which of the classes did you think it fell within?

19 A. My decision was based on the policies that
20 were violated, the bullying, hazing policy and the
21 social media policy.

22 Q. So it's fair to say you didn't really look
23 at these classes and the suggested --

24 A. I looked at the classes before I made my
25 determination on the policies that were violated.

1 Q. Okay. So when you looked at the classes,
2 which class did you think these violation -- for
3 instance, we can break them down. The workplace
4 bullying and hazing policy, which class did that fit
5 in?

6 A. They don't fit into a class. They're
7 separate from the classes that are listed there in
8 the violations.

9 Q. You testified in the direct testimony that
10 you had asked her if the videos were graphic. Do
11 you remember saying that?

12 A. Yes, I do.

13 Q. Testifying to that, I should say? And
14 then you followed that and quoted her as saying "And
15 she said, 'Yes, I posted these.'"

16 A. Yes.

17 Q. Okay. How does saying "Yes, I posted
18 these," agree with your description that they are
19 graphic?

20 A. Because when I asked the question, I asked
21 the specific question did she feel that these posts
22 were graphic, and she answered, "Yes, I posted
23 these, and people did not have to click on them,"
24 and she continued.

25 Q. Okay. And have you reviewed your notes to

1 see that it was said exactly that way?

2 A. Yes.

3 Q. And there was another note taker there as
4 well from the Union, correct?

5 A. Yes.

6 Q. And his notes may not reflect it that way?

7 A. I don't -- not aware of his notes. I did
8 not see those.

9 MR. CHAPPELL: I have no other questions.

10 MS. GEHRKE: I have two quick ones.

11 REDIRECT EXAMINATION

12 BY MS. GEHRKE:

13 Q. Mr. Schneider, did I understand your
14 testimony correctly that even if there had not been
15 those public Facebook posts with the abortion videos
16 and Ms. Carter in Southwest uniform, nametag,
17 whatever, that based solely on the private Facebook
18 messages you still would have terminated Ms. Carter?

19 A. Yes, that is true.

20 Q. And Mr. Chappell asked you about the
21 different classes of violations in the workplace --
22 in the flight attendant work rules, and you
23 testified that the social media, the bullying and
24 hazing and sexual harassment policies were separate.
25 Is that right?

1 A. Correct.

2 Q. And that they didn't necessarily fall into
3 the classes.

4 A. Correct.

5 Q. Is that because -- well, why don't you
6 explain to me why that's the case.

7 A. They had their own discipline which is up
8 to termination if they are violated, depending on
9 that.

10 Q. Do those three policies apply
11 Company-wide, or are they specific to the flight
12 attendants?

13 A. They apply Company-wide.

14 Q. And are those classes of discipline, are
15 those Company-wide or are those specific to the
16 flight attendants?

17 A. Those are specific to flight attendants.

18 MS. GEHRKE: Okay. Thank you. No further
19 questions.

20 MR. CHAPPELL: I have no further
21 questions.

22 THE ARBITRATOR: Thank you, sir.

23 THE WITNESS: Thank you.

24 MS. GEHRKE: We'll have Mike Sims now.

25 (Off record from 5:01 to 5:06)

1 THE ARBITRATOR: Would you raise your
2 right hand, please.

3 Do you swear that the testimony you're
4 about to give in this arbitration shall be the
5 truth?

6 THE WITNESS: I do.

7 THE ARBITRATOR: Thank you.

8 MIKE SIMS,
9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. GEHRKE:

12 Q. Good afternoon, Mr. Sims.

13 A. Good afternoon.

14 Q. How long have you been employed by
15 Southwest Airlines?

16 A. 21 years.

17 Q. And what's your current position?

18 A. Senior director, inflight operations.

19 Q. How long have you held that position?

20 A. I've been an inflight director since 2011.
21 Senior director, was promoted to that title over the
22 summer.

23 Q. Can you very briefly kind of give us an
24 overview of your employment history at Southwest
25 Airlines.

1 A. I was hired at Southwest Airlines in 1996
2 as a flight attendant, served in the flight
3 attendant role for almost 11 years. During that
4 course of that time, I also served as a full-time
5 union officer, TWU Local 556, from 2003 to 2006.
6 2006 I went back to full-time flying as a flight
7 attendant.

8 2007 I went into -- I was promoted into
9 inflight management as labor relations manager.
10 Served as a strategic manager as well during the
11 AirTran acquisition. Promoted to regional director
12 over inflight bases, which manages our flight
13 attendants is the role I currently hold today.

14 Q. Okay. And what are your primary job
15 responsibilities as senior director of inflight
16 operations?

17 A. We have 15,500 flight attendants, all of
18 which are scattered throughout the United States in
19 ten different domiciles. Those domiciles are
20 managed and the management of those domiciles report
21 up to me, and my job is to ensure quality assurance,
22 quality control, and overall job performance, among
23 other things.

24 Q. Do some of your responsibilities involve
25 assisting or making decisions regarding employee

1 discipline or labor relations?

2 A. Yes. I serve as our vice president's
3 designee as the person who hears step 2 appeals
4 cases pursuant to our collective bargaining
5 agreement, which is Articles 19 and 20.

6 Q. Okay. And did I hear you correctly that
7 you testified you used to be a part of Union
8 leadership for TWU Local 556?

9 A. Correct.

10 Q. What positions did you hold for the Union?

11 A. I was elected by the members at large to
12 serve on the executive board. From there I was
13 appointed as the president -- I mean appointed by
14 the president, excuse me, to serve as the grievance
15 chair and full-time office manager. So from 2003 to
16 2006 I handled all the grievance issues with our
17 flight attendants.

18 Q. So is it fair to say you're fairly well
19 versed in the CBA and labor relations with respect
20 to the flight attendants?

21 A. Yes. I have a better-than-average working
22 knowledge.

23 Q. How often would you say you hear step 2
24 appeal?

25 A. On average anywhere from three to five a

1 month.

2 Q. And are you familiar with the grievant,
3 Charlene Carter?

4 A. I am.

5 Q. How do you know Ms. Carter?

6 A. I know Ms. Carter through this grievance
7 process. I knew of her prior to this process or her
8 case.

9 Q. How did you know of her prior to this
10 process?

11 A. Charlene is a flight -- was a flight
12 attendant for Southwest Airlines, and just in the
13 course of our business we just tend to know who
14 people are.

15 Q. Okay. Were you involved at all in the
16 Company's investigation or fact finding meeting with
17 respect to Ms. Carter?

18 A. I was not.

19 Q. Did Ed Schneider inform you of his
20 decision to terminate Ms. Carter's employment?

21 A. I was informed, correct.

22 Q. And did you inform Mr. Schneider whether
23 or not you agreed with his decision?

24 A. I did not.

25 Q. At the time he informed you of his

1 decision to terminate Ms. Carter's employment, did
2 you have an opinion or enough knowledge about the
3 case to know whether termination was appropriate?

4 A. I did not.

5 Q. At some point you learned the details of
6 her case?

7 A. Correct.

8 Q. When did that occur?

9 A. Under the grievance process when Charlene
10 filed her grievance, there's the step 2 process that
11 begins. And from there I was provided by our labor
12 relations team the file, the contents of all the
13 information there, and then plus I conducted a
14 meeting with Charlene.

15 Q. Okay. So did you review the contents of
16 the labor relations file prior to the step 2 meeting
17 with Charlene?

18 A. I did.

19 Q. And prior to the meeting with Charlene,
20 after just reviewing the file, had you formed an
21 opinion yet as to the propriety of the termination?

22 A. No. I realized it was a serious issue,
23 but I had no final, conclusive thoughts as to which
24 way it ultimately should be disposed.

25 Q. And what is the real purpose of a step 2

1 meeting?

2 A. Well, the step 2 provides an opportunity
3 for a leader at Southwest Airlines to further review
4 a case, to look for additional facts that may not
5 have been presented during fact finding, and also to
6 ensure that the Company policies, procedures,
7 et cetera were ultimately held up.

8 So my job was just to provide another
9 review and make a decision whether or not we should
10 make an adjustment on her case.

11 Q. And sometimes during the step 2 process,
12 do you ever make an adjustment to the termination
13 that was levied based on reasons other than
14 disagreeing with the decision on the merits?

15 A. Yes.

16 Q. What would be some of the reasons why you
17 might change a -- the discipline imposed even if you
18 agreed with the merits?

19 A. Well, in any type of settlement offer, we
20 also want to review the practicality of whether it
21 would be prudent to go forward. You know, there's
22 legal costs to consider, there's these type of
23 hearings that must consider, and sometimes it's just
24 more practical to offer settlement even if there is
25 just cause.

1 Q. Okay. And we'll ask you in a little bit
2 about this specific case.

3 A. Okay.

4 Q. I just wanted to get your overall
5 philosophy on that.

6 A. Okay.

7 Q. Now, you mentioned there was a step 2
8 hearing with Ms. Carter.

9 A. Yes.

10 Q. And did she have Union representation
11 present?

12 A. She did.

13 Q. Who else was at that meeting?

14 A. Along with me was Melissa Burdine, who is
15 our labor relations manager who served as my note
16 taker and also case manager, if you will, on this.

17 Q. Is this Melissa?

18 A. And she is in the room, yes.

19 Q. Just so we're clear. Okay. So it's
20 yourself, Melissa Burdine, Ms. Carter, and the Union
21 rep?

22 A. There was two representatives --

23 Q. I'm sorry.

24 A. -- from TWU Local 556. One, Ms. Becky
25 Parker, and the other was Beth Ross. And then they

1 also had somebody there on their behalf taking
2 notes.

3 Q. Okay. And you said Ms. Burdine served as
4 the official note taker for the Company?

5 A. Correct.

6 Q. Okay. Can you kind of walk us through an
7 overview of what occurred during the meeting. I
8 assume you started off the meeting. What's your
9 typical practice, and what did you do in this case?

10 A. Typical practice is I have a pretty
11 standard opening that I use consistently, and I
12 brought the grievant up to date of what this was
13 about from the Company point of view, told her that
14 this was her opportunity to discuss this case
15 further, I would ask questions, and there's three
16 possible outcomes from this: I could settle the
17 case, I could deny the grievance at this level, or I
18 could accept it as the Union wishes.

19 And then I ask if there's any questions
20 about the process, also remind them that it's a ten
21 day, business day for the contract for me to make
22 the decision. So it's mainly the administrative
23 side kind of just an opening, and then I always ask
24 a question right after that is, "Do you feel or why
25 do you feel that this termination was unjust."

1 Q. And did you ask that specific question in
2 this meeting with Ms. Carter?

3 A. I did.

4 Q. And what was her response?

5 A. Ms. Carter began to discuss she is in
6 dispute with Transport Workers Union Local 556 and
7 she believed that the Company should not be involved
8 in this dispute and fully admitted to sending the
9 messages to the complainant. And then we went from
10 there.

11 Q. Okay. Let's go over a couple of things
12 you just said.

13 A. Okay.

14 Q. What did -- I don't know if these were her
15 words or your words --

16 A. Okay.

17 Q. -- that she was in dispute with Local 556.
18 Were those her words or your words, or what do you
19 mean by that?

20 A. Well, she is engaged in a recall effort of
21 the Local 556 officers. So I'm not sure if she used
22 the word "dispute," but it was clear to me that she
23 believed that this was an issue over and beyond the
24 actual Company rule violations.

25 Q. Okay. And did you have an opinion on

1 that?

2 A. Did I have an opinion on that? I didn't
3 necessarily know at that point.

4 Q. Okay. But you said she admitted sending
5 the messages --

6 A. Absolutely.

7 Q. -- to Ms. Stone?

8 A. Absolutely.

9 Q. And did she admit posting the abortion
10 videos on her public Facebook page?

11 A. Yes.

12 Q. And did she admit that there were photos
13 of her in her Southwest uniform and various photos
14 with Southwest's name on it on her public Facebook
15 page?

16 A. Yes. None of that was in dispute.

17 Q. Did -- tell me anything else you remember
18 being discussed specifically at the step 2 hearing.
19 Were you asking questions, or was she kind of
20 talking?

21 A. It was a dialogue. I asked questions.
22 She also wanted to present information that she felt
23 was relevant to this case, so she had documentation
24 from the AFL-CIO. She had documentation from TWU
25 International, just those type of things that she

1 wanted to be considered.

2 She also said that she wanted her job
3 back. She also said that she was saddened that she
4 was no longer employed and it meant everything to
5 her to work at Southwest Airlines and that as a
6 long-term employee she wanted to have a second
7 chance.

8 Q. And did you believe her? Did she seem
9 sincere?

10 A. At the time?

11 Q. Yes.

12 A. Yes, I did.

13 Q. Okay. Did you ask her why she sent those
14 messages to Ms. Stone?

15 A. I did.

16 Q. And what was her response?

17 A. She again was referencing the ongoing
18 recall effort and the dispute. She had been trying
19 to reach Ms. Stone on issues that were important to
20 her. And then when this women's march that took
21 place during the Trump inauguration took place, she
22 felt that she was in disagreement with Audrey's
23 participation on behalf of Transport Workers Local
24 556, so that was why she was communicating with
25 Audrey that she was in disagreement.

1 Q. So am I correct that based on what she was
2 telling you, it was both kind of the political
3 abortion issues and the Union issues and how money's
4 being spent --

5 A. Uh-huh.

6 Q. -- were the reasons she kind of conveyed
7 to you?

8 A. Correct. She's very well versed in the
9 pro-life movement. It's a very passionate subject
10 to her as well as her religious beliefs and also
11 that she was someone who was a dissenter from the
12 Union and felt at the time that moneys that she was
13 paying to the Union were being used to support an
14 event and a cause that she did not support.

15 Q. Did you speak at all to Ms. Stone
16 regarding the step 2 hearing?

17 A. No.

18 Q. Was she part of the step 2 hearing?

19 A. No.

20 Q. So you didn't have any input as to
21 Ms. Stone's perspective on this?

22 A. No.

23 Q. Just Ms. Carter.

24 A. Correct.

25 Q. And you testified previously that she had

1 submitted some documentation during the step 2
2 process?

3 A. That is correct.

4 MS. GEHRKE: Okay. We are going to mark
5 this pile of documents as Southwest Exhibit 14.

6 (Company Exhibit 14 marked)

7 BY MS. GEHRKE:

8 Q. Mr. Sims, are you familiar with Southwest
9 Exhibit 14?

10 A. I am. This is a packet that are copies of
11 what she presented to me as evidence she wanted to
12 be considered, and it's various photographs,
13 articles, and screenshots from websites as well as
14 the pictures that she -- and video screenshots that
15 she submitted to Audrey Stone.

16 Q. And did you consider this information that
17 Ms. Carter presented to you?

18 A. I did.

19 Q. Did you ask her any questions during the
20 step 2 hearing regarding what she was submitting, or
21 did you just kind of take it and review it later?

22 A. I reviewed most of this later because
23 during the hearing she was presenting so many items
24 that we were just basically marking them. And so
25 she would -- she would present this and say, "Please

1 take a look at this," this is, you know, for
2 example, something that she found from the AFL-CIO.
3 So I didn't read it in its entirety until later.

4 Q. Okay. During the step 2 hearing, was
5 Ms. Carter apologetic or remorseful at all regarding
6 sending Ms. Stone the abortion messages?

7 A. She expressed regret.

8 Q. Did she elaborate on that?

9 A. She wished that she had not done it and
10 felt that she had gone a little over the top.

11 Q. She said that?

12 A. Uh-huh.

13 Q. Did she express any remorse or apologize
14 for having the abortion videos on her public
15 Facebook page when there were also pictures of her
16 in her Southwest uniform?

17 A. I think she did. I'm trying to paraphrase
18 how she said it, but at that meeting and at that
19 time I believe she felt that it was wrong.

20 Q. Did Ms. Carter ever allege that she felt
21 that she was being retaliated against because she
22 was a Union objector?

23 A. Yes.

24 Q. What did she say about it?

25 A. She believed that because of her

1 activities as a Union objector that she was being
2 wrongfully targeted and --

3 Q. Did she say by who?

4 A. Well, at that point she felt it was the
5 Union and the Company, but specifically the Union.
6 She had a dispute with the Union and her beliefs,
7 and she felt that they were trying to retaliate.

8 Q. Did she name Ms. Stone specifically in
9 turning her in with respect to the retaliation?

10 A. Yes.

11 Q. Did she say what it was that the Company
12 was doing, if anything, that she felt was
13 retaliatory?

14 A. Please -- I didn't hear the --

15 Q. Did she specify anything at all that she
16 felt the Company was doing, if anything, that was
17 retaliatory?

18 A. She believed that the Company was treating
19 people that supported Audrey differently than they
20 were treating people that were dissenting.

21 Q. And did she specify any names or provide
22 any examples?

23 A. Yes, she gave me some names of other
24 flight attendants that she knew of that she believed
25 were getting better treatment than she or her

1 colleagues or cohorts that were Union dissenters.

2 Q. And did you recognize those names?

3 A. Yes.

4 Q. And were you familiar with those people's
5 cases?

6 A. Yes.

7 Q. Had you heard the step 2 hearing on some
8 of them or all of them?

9 A. Most, if not all, I heard the step 2.

10 Q. And so when she tells you that, did you
11 have an opinion as to whether or not there was any
12 truth to that?

13 A. I had an opinion.

14 Q. What was that?

15 A. I felt that she may not know the entire
16 circumstances surrounding their individual cases.

17 Q. So did you feel that the Company was
18 retaliating against Ms. Carter?

19 A. No.

20 Q. Did you feel that the Union was
21 retaliating against Ms. Carter?

22 A. I didn't have an opinion on that.

23 Q. Did Ms. Carter say anything negative about
24 the Company during the step 2 hearing?

25 A. No.

1 Q. In fact, she asked you to give her her job
2 back, right?

3 A. No, she went ahead and asked me to
4 reinstate her because she loves Southwest Airlines,
5 she loved the flight attendant profession, she loved
6 her job, and she loved the fact that she served
7 Southwest for 20 years.

8 Q. Okay. Did you render a decision during
9 the hearing?

10 A. No.

11 Q. You went back and reviewed the
12 documentation she provided you?

13 A. That is correct.

14 Q. And you said you had ten days to render a
15 decision?

16 A. Yes, and I took the entire ten days.

17 Q. Did you consult with anybody in coming up
18 with your decision?

19 A. I consulted with Melissa Burdine and some
20 of her colleagues.

21 Q. Okay. And ultimately what was your
22 decision after the step 2 hearing?

23 A. My decision was to offer a settlement.

24 Q. And why did you decide to offer a
25 settlement?

1 A. Well, I believe Southwest Airlines had
2 just cause to terminate her employment. And at the
3 time I thought that it would be practical or it
4 would be a practical solution to offer
5 reinstatement, and I did it out of practicality.

6 Q. Did the fact that the complainant was the
7 Union president, Ms. Stone, factor into your
8 decision at all?

9 A. It factored into the practical side of
10 exposing a fellow Southwest Airlines employee to the
11 aftermath of a hearing such as this or potential
12 court cases. I thought it would be practical, in
13 the best interest of the Company at the time,
14 although we had just cause, to go ahead and offer
15 settlement.

16 Q. Okay. So what was the settlement offer
17 that you made to Ms. Carter?

18 A. The settlement offer was to convert the
19 termination to a 30-day suspension along with a
20 signature for a last chance agreement that stated
21 that the last chance agreement would be in effect
22 for 24 months and that Ms. Carter agreed to cease
23 these type of activities when it involved another
24 Southwest Airlines employee and to -- well, long
25 story short, behave herself.

1 Q. Okay. And did you discuss the terms of
2 that offer with Ms. Carter directly or with the
3 Union?

4 A. I -- no, I sent it to the Union, and then
5 to my knowledge they had the discussions with her.
6 I had no contact with Ms. Carter or her counsel
7 during that process.

8 Q. Okay. And what was the response that you
9 received from Ms. Carter regarding the offer?

10 A. I received a e-mail notification from her
11 Union representative that she was declining to
12 accept the offer.

13 Q. Okay. If you would look at Joint
14 Exhibit 2, please. And probably a little over
15 halfway through the packet there's this letter here
16 that's attached. Well, let's go to this page.

17 A. Okay. This is the grievance form. Okay.
18 If I'm looking at the right one, it is page 10.

19 Q. Yeah, page 10.

20 A. It's handwritten page 10. Okay. Got it.

21 Q. Okay. This was -- why don't you tell me
22 what this document is.

23 A. Well, this is the grievance form that the
24 Union initiates whenever they are wanting to
25 initiate -- begin the appeals process. So it's a

1 pretty -- it's just a standard form that says we're
2 grieving this event. In this case it was a
3 termination, and this is basically what begins the
4 process and starts all the wheels in motion.

5 Q. Okay. And is your signature anywhere here
6 on this document or no?

7 A. On page 10, no. My signature's not on
8 there, but someone did sign on my behalf.

9 Q. Okay. So if you look down near the bottom
10 of that page, is this the area designated for the
11 step 2 response?

12 A. Yes. If you just look down bottom of the
13 page, there's a number 2 with a circle around it,
14 and that is where we write in our decision after the
15 step 2 hearing.

16 Q. Okay. And it indicates here that you
17 decided to offer a settlement, correct?

18 A. Correct.

19 Q. And then it says "See attached." So if
20 you look at the next two pages, actually more than
21 that, next six pages, there is a letter on Southwest
22 letterhead from Ms. Burdine to Beth Ross, the
23 grievance specialist for TWU Local 556.

24 Did you see this letter before it was
25 mailed out?

1 A. I did.

2 Q. Okay. And does this letter accurately
3 reflect the offer of reinstatement --

4 A. It does.

5 Q. -- and settlement that you made to
6 Ms. Carter?

7 A. It does.

8 Q. But ultimately she rejected that offer,
9 correct?

10 A. That is correct.

11 MS. GEHRKE: I have nothing further.
12 Thank you.

13 CROSS-EXAMINATION

14 BY MR. CHAPPELL:

15 Q. You said that you heard from the Union
16 that the offer had been rejected, correct?

17 A. I saw an e-mail. Whether it was sent to
18 me directly or it was sent to me from labor
19 relations, but yeah, I did receive an e-mail.

20 Q. And did that e-mail give the reasons for
21 the rejection?

22 A. It did not.

23 Q. You do not know why either the Union
24 and/or the grievant rejected the offer?

25 A. I do not have any knowledge to that.

1 Q. What is -- from your perspective and your
2 being both in the Union and now high management with
3 Southwest, my question goes to what you understand
4 to be Southwest's position in getting involved if
5 there's disputes within the Union membership.

6 What's management's position on that?

7 A. Traditionally Southwest Airlines does not
8 get involved in Union disputes. However, in this
9 instant case when it crossed into the line of our
10 harassment policy, social media policy, we were
11 compelled to get into this because this was not a
12 Union case per se as much as it was an employee
13 versus an employee case.

14 Q. When you looked at both -- well,
15 especially the Audrey -- what number is that? Is
16 that number 7?

17 MS. GEHRKE: Yes.

18 A. Number 7. Okay.

19 BY MR. CHAPPELL:

20 Q. When you looked at Exhibit 7, which do you
21 understand to be the Facebook messages from Charlene
22 Carter to Union president Audrey Stone, correct?
23 You understood?

24 A. I understand that, yes, sir.

25 Q. Right. It's not the public postings on

1 her Facebook page, correct?

2 A. Yes, this is the private message.

3 Q. Right. And do you understand that at the
4 top of the video descriptions and pictures, that
5 that is what Ms. Carter wrote?

6 A. If I'm understanding you correctly, you're
7 pointing to "TWU-AFL-CIO are supporting this
8 murder"? Is that --

9 Q. Right.

10 A. Yeah.

11 Q. And that is the language -- what is your
12 understanding of the paragraph and sentences below
13 the picture, who wrote those?

14 A. I'm not really following the question.

15 Q. Okay. Do you know who wrote -- it starts
16 with "Did you know this." Did you think Ms. Carter
17 wrote that also?

18 A. Give me a minute to look at it. Yeah, it
19 appears that Ms. Carter wrote that.

20 Q. Okay. Do you notice right above that --
21 it probably was in a color, so it's a little hard to
22 read. It says "My Page - My Opinions." Do you see
23 it?

24 A. I see it.

25 Q. Okay. And then there's a little picture

1 around it.

2 A. Of a -- looks like a profile picture of a
3 dog.

4 Q. Right, or something.

5 A. Sure.

6 Q. Okay. Did you know that when you have
7 that profile, that's a comment by someone else that
8 was part of this post originally that she was
9 sharing with Ms. Stone?

10 A. Again, you'll have to help me. I'm not
11 fully understanding your question.

12 Q. Okay. My question is, did you understand
13 that when you are sharing already-existing video or
14 picture or post on Facebook through Messenger, you
15 are given the option to write something if you want
16 at the top of the photo or video that you're
17 showing, but comments following a little icon, they
18 are -- they go with it but they come from someone
19 else?

20 A. Right, and our discussion focused on the
21 video portion that Ms. Carter sent to Audrey because
22 she wanted her to see that video.

23 Q. Okay. And did you take into consideration
24 what Ms. Carter actually wrote at the top, the
25 "TWU-AFL-CIO and 556 are supporting this murder"?

1 A. Yes, because I understood that as TWU,
2 AFL-CIO, and Audrey Stone as their representative.
3 So, yes, I see that as a message to Audrey Stone
4 since she's the local president.

5 Q. Okay. In the context of her being the
6 local president.

7 A. Uh-huh.

8 Q. Okay. When you testified earlier that as
9 part of a step 2 process, it appeared to be before
10 you had the meeting with Ms. Carter and the Union
11 reps, that you reviewed the file from the fact
12 finding meeting? Do you remember talking about
13 reviewing the file?

14 A. Correct.

15 Q. Okay. Did that review of the file include
16 Ms. Carter's personnel file?

17 A. No, I did not review her file.

18 Q. Okay. So you didn't look to see if she
19 had had any other social media violations or --

20 A. No. I did ask labor relations if she had
21 any previous discipline.

22 Q. And the answer was?

23 A. The answer was no.

24 Q. And so this was the first time that she
25 had had a alleged violation that you had to

1 consider, this kind of violation?

2 A. To my knowledge, yes.

3 Q. And did you have any information either --
4 at any time as you considered all the various
5 documents, and this is now a month or so after the
6 posting of the videos in February, that Ms. Carter
7 had sent any of these videos or any abortion
8 pictures to Ms. Stone or to anyone else? Do you
9 know? Do you have any information that suggested
10 that?

11 A. And I apologize. I don't fully understand
12 the question, so if you could repeat it.

13 Q. That's fine. In your review of
14 everything, did you come across any instance where
15 Ms. Carter had sent these abortion videos or these
16 abortion pictures to anyone else?

17 A. No. I was looking at her -- the employee
18 issue that she created with Audrey Stone, another
19 employee.

20 Q. And you didn't hear that she had sent
21 repeated or other videos to Audrey Stone after this
22 one either, did you?

23 A. No.

24 MR. CHAPPELL: One moment to confer.

25 THE ARBITRATOR: Uh-huh.

1 MR. CHAPPELL: I have nothing further.

2 THE ARBITRATOR: Thank you.

3 MS. GEHRKE: I just have one quick
4 follow-up.

5 REDIRECT EXAMINATION

6 BY MS. GEHRKE:

7 Q. Mr. Sims, during your direct testimony you
8 testified that at the time you were making the
9 decision after the step 2 hearing, you thought it
10 was in the Company's best interest to settle the
11 case. Do you still feel that that was the right
12 thing to do knowing what you know now?

13 A. At the time I made the right decision.
14 Knowing what I know now, we had just cause and I
15 think the termination should remain.

16 MS. GEHRKE: No further questions.

17 MR. CHAPPELL: No follow-up.

18 THE ARBITRATOR: Thank you, sir. I
19 appreciate your testimony.

20 THE WITNESS: Thank you, sir.

21 MR. CHAPPELL: I assume we're taking one
22 of those five to seven?

23 THE ARBITRATOR: Why not?

24 (Recess from 5:41 to 5:46)

25 THE ARBITRATOR: For the record, have you

1 any other witnesses?

2 MS. GEHRKE: That is it for the Company's
3 case in chief. We reserve the right to call
4 rebuttal if necessary.

5 THE ARBITRATOR: Thank you. Let's go off
6 the record.

7 (Recess from 5:46 to 5:54)

8 THE ARBITRATOR: Would you tell her your
9 full name, please.

10 THE WITNESS: Christopher Sullivan.

11 THE ARBITRATOR: Mr. Sullivan, if you
12 would raise your right hand.

13 Do you swear that the testimony you're
14 about to give in this arbitration shall be the
15 truth?

16 THE WITNESS: Yes.

17 THE ARBITRATOR: Thank you. All right.

18 CHRISTOPHER SULLIVAN,
19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. CHAPPELL:

22 Q. Mr. Sullivan, what do you currently -- do
23 you have a relationship with TWU Union 556?

24 A. Currently I'm a shop steward for TWU.

25 Q. And just briefly describe what the duties

1 of a shop steward are.

2 A. Shop steward would represent a flight
3 attendant during a fact finding, a step 2, any kind
4 of like meeting with management. Usually it's fact
5 findings and step 2s, but it could be something
6 else.

7 Q. Okay. And are there special duties that
8 the Union steward during fact finding proceedings
9 do? Do you have special responsibilities?

10 A. So a shop steward would be responsible for
11 taking notes during the meeting and also
12 participating in the meeting. So you kind of have
13 two jobs. You've got to listen and participate in
14 the meeting at the same time while you're taking the
15 notes of what's going on.

16 Q. And how long have you been a shop steward
17 for?

18 A. About 12 years.

19 Q. And approximately how many fact finding
20 sessions have you represented a flight attendant for
21 and taken notes?

22 A. Probably a hundred to 150, over, quite a
23 few.

24 Q. And did there come a time when you learned
25 that there would be a fact finding meeting involving

1 flight attendant Charlene Carter?

2 A. Yes.

3 Q. And approximately when was that?

4 A. I can't remember the exact date. I know I
5 got -- usually what happens is either the Union will
6 contact you and ask you if you can do a meeting for
7 somebody, or you can be requested to be the shop
8 steward for that particular flight attendant. They
9 have the right to request an individual if they want
10 them or they kind of get whoever can do it.

11 So in this case I remember I think it was
12 a friend of Charlene asking, hey, my friend has a
13 fact finding, would you be willing to be her
14 representative. And I was like, okay, sure.

15 Q. And what did you do to prepare for a fact
16 finding?

17 A. Usually I would talk to the individual,
18 ask them kind of, you know, what's this about, do
19 you know what it's about. Sometimes they do,
20 sometimes they don't. Get as much information as
21 you can at the time. And then would also speak to
22 the Union representative. Usually there's somebody
23 in the grievance staff that has been assigned that
24 case. And then between the two of them get as much
25 information as you can. Sometimes it involves a

1 customer letter, you know, whatever information is
2 out there. And, like I said, sometimes there's more
3 information than others.

4 Q. And I'm talking now just generally. As
5 you prepare or before you go to the fact finding, do
6 you have any interaction with the Company or Company
7 officials about what's going to happen or the reason
8 for it, anything like that?

9 A. Well, sometimes there might be a request
10 for clarification. Like if -- maybe there isn't a
11 lot of information and maybe they've asked the
12 flight attendant to write an irregularity report but
13 the flight attendant doesn't have anything to write,
14 you know, he didn't present a customer letter, he
15 didn't present a complaint, you're just asking me
16 for an irregularity report and I'm not sure why.
17 So they may be like, hey, what is it you want them
18 to write about.

19 But otherwise, the only other
20 communication would be maybe just on the scheduling
21 side of, hey, okay, let's try to do it on Monday
22 or -- especially if you're requested, sometimes they
23 already have a meeting set on a certain day and time
24 and maybe you can't do that but you said I can do it
25 but how about Monday at 2:00 or something. And

1 there's that conversation, but that's about it.

2 Q. Okay. Have any of these, outside of
3 Ms. Carter's fact finding, the hundred or more that
4 you have participated in over the years you've been
5 a shop steward, have any of them involved complaints
6 by other flight attendants that the flight attendant
7 that you're representing has violated the social
8 media policy?

9 A. Yes.

10 Q. Approximately how many?

11 A. For a violation of social media policy
12 between flight attendants, probably only three or
13 four.

14 Q. Okay. What about a violation by one
15 flight attendant against the flight attendant that
16 you're serving as the shop steward for the bullying
17 and hazing policy?

18 A. Probably the same amount, three or four,
19 not very many. There's usually more of a conflict
20 between the flight attendants like maybe whether
21 it's a procedure or something like that. That's
22 often the problem or issue that comes up between
23 flight attendants.

24 Q. Okay. And then the last question, similar
25 question about a violation filed by one flight

1 attendant against the flight attendant you're the
2 shop steward for for a violation of harassment,
3 sexual harassment policy.

4 A. One.

5 Q. One. Okay. In those type of violations,
6 at the fact finding do you learn what the complaint
7 is of the flight attendant that asks the Company to
8 investigate the possible violation?

9 A. Yeah, it's common for -- if you're in a
10 meeting, whether it's prior to that that the flight
11 attendant is informed of why they're being brought
12 in, whether it's a customer -- usually if it's a
13 customer complaint letter, you receive the letter
14 ahead of time, which then you're asked to then write
15 an irregularity report based on that letter. So you
16 have the information. You kind of say, well, okay,
17 this happened or it didn't happen, whatever,
18 depending on the situation.

19 Then if it's a complaint from another
20 employee or it could be even a supervisor or
21 something like that, then usually that is read
22 during the meeting at some point where they would
23 say this is the complaint, this is what this person
24 is saying, whether it's a policy violation or
25 whether it's a harassment, whatever, this is the

1 complaint.

2 And with the exception of a management
3 person like a supervisor, whatever, the names are
4 always taken out, like they never say "Suzi said
5 this" or whatever. I've only ever had it if
6 supervisor Bob saw you do something or is saying
7 that you violated a safety thing or something like
8 that. Otherwise, the names are taken out.

9 Q. Right. But without the names being given,
10 the complaint that the one flight attendant made to
11 management is usually read to the other one as part
12 of the fact finding?

13 A. Yes. There's always in there somewhere
14 is, "This is the complaint we received." It's
15 usually like, "Okay, I'm going to read this
16 irregularity report or I'm going to read this letter
17 to you and then I'm going to ask you questions about
18 that specific complaint or violation."

19 Q. Now, let's draw your attention to your
20 being the shop steward for Charlene Carter at the
21 fact finding that was held. Do you remember
22 approximately when that meeting was held?

23 A. I'd have to look at the notes for the
24 exact date, but probably about six months ago, I
25 think.

1 Q. Okay. Would March 7 of this year sound
2 about right?

3 A. That sounds right.

4 Q. Okay. And did you take notes during that
5 fact finding meeting?

6 A. Yes.

7 Q. And I believe you already testified to
8 this, but I just want to make it clear. Was that
9 part of your duties as the TWU's shop steward to
10 take those notes?

11 A. Yes.

12 Q. And what was the purpose of that duty of
13 you taking those notes?

14 A. To the best of my knowledge, there's an
15 agreement that's been in place for some time between
16 the Company and the Union that there wouldn't be a
17 recording of the meetings but there would be note
18 taking and that would be the record of what
19 occurred.

20 So both sides -- so while I'm taking
21 notes, usually, and it depends on the meeting,
22 there's another person in the room other than the
23 management person that's taking -- that's running
24 the meeting. That other person, that's their job
25 normally is to take the notes for their side.

1 Q. Okay. And have you been given any
2 information, either in training or in handbooks or
3 anything like that as being a Union steward that
4 deals with the issue of whether your notes are
5 admissible into system board or arbitration
6 hearings?

7 A. Yes, that --

8 Q. You have been told about that?

9 A. Correct, that that's why I take the notes,
10 number one, so you have the record of what occurred,
11 but then also that it could be used in any kind of
12 proceeding as it went down the line, whether it's a
13 step 2 or up to arbitration.

14 MS. GEHRKE: I'm going to object and move
15 to strike. We've already had a ruling on this that
16 these notes on both sides are not admissible. So I
17 don't know the relevance of that testimony.

18 MR. CHAPPELL: We've also had some dispute
19 on what happened there, and he's just testified that
20 he's been told that one of the reasons he is to take
21 these notes is that they can be used later on.

22 THE ARBITRATOR: I'll let him explore this
23 line and let's see where it goes. I'm not ruling on
24 whether these notes are admissible. I'm just
25 letting him explore that.

1 BY MR. CHAPPELL:

2 Q. As part of what you've been told in your
3 duties as a shop steward, the fact that they could
4 be used or may be used in arbitration or system
5 board, does that affect your responsibility on how
6 you take those notes?

7 A. As the shop steward, responsibility is as
8 accurately as possible to reflect what occurred in
9 the meeting because it's the only record that we
10 have since there's no actual recording like audio
11 recording or video recording or anything like that,
12 that notes are the, in a sense, like your official
13 record of what occurred.

14 Q. And during Charlene Carter's fact finding
15 in March of this year, did you take such notes?

16 A. Yes.

17 Q. And did you review them shortly after the
18 hearing?

19 A. After the fact finding?

20 Q. Fact finding, yes.

21 A. So as I typed them -- basically it's like
22 anything else, you have to shorthand and write, you
23 know, and then basically you go in and type them up.
24 They have to be written in a certain format where
25 you put the initials and there's kind of a standard

1 format that the shop stewards are supposed to follow
2 so that they're kind of all uniform so when the
3 grievance staff or whoever would look at them,
4 they're not, you know, done ten different ways.

5 Q. And you followed all that format that you
6 have been trained to do?

7 A. Yes.

8 Q. Okay. And when you reviewed them, you --
9 in your opinion, they accurately reflected what had
10 gone on in the fact finding?

11 A. Yes.

12 MR. CHAPPELL: Because we have an issue,
13 I'm going to renew my request that his notes be
14 entered into the record here to --

15 THE ARBITRATOR: What do you intend to
16 show by the use of his notes?

17 MR. CHAPPELL: Well, I think they give the
18 full view of what the -- was presented at the fact
19 finding, which is the crucial thing of what the
20 Company knew about this issue that goes to your
21 determination of whether they had just cause.

22 MS. GEHRKE: May I respond?

23 THE ARBITRATOR: What specifically are you
24 trying to establish through his notes?

25 MR. CHAPPELL: Well, one of the things

1 that I'm trying to establish through his notes was
2 exactly that the grievant felt that she was always
3 sending these messages, including the ones in
4 question, to and because of the Union, not on a
5 personal basis. And the back and forth is reflected
6 in here.

7 There's also the specific questions asked
8 and the answers that relate to the issue of whether
9 she admitted that the videos were graphic as opposed
10 to admitting that they were sent. It also shows the
11 various questions of management. There were two
12 times that Mr. Click had to leave the room.

13 THE WITNESS: Sullivan.

14 MR. CHAPPELL: I'm sorry, not Mr. Click,
15 Mr. Sullivan. Thank you for correcting me.

16 THE WITNESS: Happens a lot actually.

17 MR. CHAPPELL: Their both first names are
18 Chris and they've both been in the Union.

19 And so I just think that it helps to give
20 the total view. You are free to give it what weight
21 you want, but as you also take the testimony of the
22 different sides, you have another document to look
23 at to decide those questions. So that's --

24 THE ARBITRATOR: Sure.

25 MS. GEHRKE: Thank you. I've got a couple

1 of points on this. First of all, in terms of the
2 content of the notes, I think the purposes for which
3 he wants to introduce them or what he's purporting
4 to want to introduce them for, you know, Ms. Carter
5 can testify through her own voice what she said
6 during the fact finding meeting as to the reasons
7 why she sent the messages to Ms. Stone. I'm finding
8 it a little hard to believe that we're even debating
9 whether or not these messages are graphic, and we'll
10 have testimony that she's admitted in writing that
11 they're graphic.

12 And I think we've already established, and
13 if the Union attorney was still here, that there is
14 the practice and a very firm practice that these
15 will not be introduced into notes, the notes will
16 not be introduced into evidence. And I think, you
17 know, he can ask him his questions and get his best
18 recollection the same way we just did with our
19 witnesses. We didn't have the benefit of the notes
20 to go line by line with them.

21 So I think it's inappropriate to admit
22 them both on the merits and the substance of what
23 they are and in terms of the practice under this
24 collective bargaining agreement.

25 THE ARBITRATOR: All right. He's here.

1 Are you available tomorrow?

2 THE WITNESS: I can be. I live in
3 Colorado, so --

4 THE ARBITRATOR: No, I don't want to do
5 that. Here's what I'm going to do. Are you aware
6 of your notes as a steward ever having been
7 introduced into evidence in any proceeding, either
8 it's system board or arbitration?

9 THE WITNESS: I don't know specifically,
10 but I can tell you for a fact that all along in the
11 last 12 years, I was also the domicile rep for
12 Denver, that we've always been told that our notes
13 are really important and can be used in proceedings
14 all the way down and that's why they need them. Can
15 be in courts, you know, they were -- could be put
16 into a court of law.

17 THE ARBITRATOR: Okay. I want you to
18 pursue what line of questions you want, let him
19 refer to his notes to refresh his memory. I'm not
20 going to allow the notes into evidence.

21 MR. CHAPPELL: But he can have the
22 notes --

23 THE ARBITRATOR: Yes.

24 MR. CHAPPELL: -- in front of him.

25 THE ARBITRATOR: Yes. We get into we'll

1 bring your notes and we'll -- I --

2 MS. GEHRKE: Well -- sorry. I would just
3 ask the arbitrator to take that into consideration
4 when he's weighing the credibility of the witnesses
5 because my witnesses did not have the benefit of
6 that.

7 THE ARBITRATOR: No, I understand that.

8 MS. GEHRKE: Thank you.

9 THE ARBITRATOR: All right.

10 MR. CHAPPELL: Those are the notes in
11 question, right?

12 THE WITNESS: Yeah.

13 MR. CHAPPELL: I'm just making sure
14 that --

15 MS. GEHRKE: Do you have a copy for me
16 to --

17 MR. JENNINGS: Yes.

18 MS. GEHRKE: Thank you.

19 MR. CHAPPELL: If you want a copy to go
20 along, if she doesn't object.

21 THE ARBITRATOR: No.

22 MS. GEHRKE: Don't pour salt on the
23 wounds.

24 MR. CHAPPELL: Okay. I want to be with
25 the arbitrator as well.

1 THE ARBITRATOR: All right. So let's have
2 a line of questioning about who said what as best he
3 recalls referring to his notes, and I will keep
4 credibility issues and your concerns in --

5 MS. GEHRKE: Thank you.

6 MR. CHAPPELL: And I will ask him if he
7 can answer it generally, go ahead; if he feels that
8 he needs to look at the notes, then to do it so we
9 can --

10 THE ARBITRATOR: Sure.

11 MS. GEHRKE: Can I make a request that we
12 put the notes aside unless he needs them for
13 recollection?

14 MR. CHAPPELL: He turned them over.

15 MS. GEHRKE: Perfect. Thank you.

16 THE ARBITRATOR: Okay.

17 BY MR. CHAPPELL:

18 Q. Okay. Was Ms. Carter asked by any of the
19 Company officials or anyone else whether she thought
20 the videos were graphic?

21 A. I don't recall that particular question.
22 I know that they asked what was the content of the
23 message and, you know, what did it show, and I know
24 she answered that. But as far as what adjective was
25 to describe it, no.

1 Q. Do you remember that in asking some of the
2 questions, management prefaced the question with
3 describing the videos as graphic?

4 A. Yes.

5 Q. Okay. But you didn't understand that her
6 answer to whether she had sent the videos was an
7 affirmative answer that she agreed they were
8 graphic, correct?

9 A. Correct.

10 Q. Was there anything -- you discussed
11 earlier about the general nature of how the fact
12 finding occurs and the different things that happen.
13 Was there anything unique about this fact finding
14 that was different from the others?

15 A. Well, like I stated earlier, the normal
16 procedure is that somewhere during the meeting that
17 the management representative would either read the
18 complaint or whether it's from a passenger or
19 another flight attendant or employee or a
20 irregularity report, but at no time during the
21 meeting was there any specific complaint read like
22 this is what this person is saying you did and this
23 is why they're feeling harassed or whatever. They
24 didn't -- there was no -- it was just questions
25 about the content of what you sent, why did you send

1 it, whatever, but not what was the actual complaint.

2 Q. So the e-mail that the flight attendant
3 had sent to management that started the
4 investigation leading to the fact finding was not
5 read?

6 A. No, it was not.

7 Q. Was there anything else different about
8 this fact finding or the subject matter or who was
9 bringing it or anything from the usual ones you deal
10 with?

11 A. Well, there were three management. What
12 was not normal was that all three management people
13 were all participating in the meeting. Usually when
14 you're taking notes, your job is to take notes.

15 So there was a counsel from the Company
16 that was on the phone. I'd have to look at the
17 notes for a name, but I know it's written in there,
18 and then -- on like a conference call type thing.
19 Then there was the base manager and the assistant
20 base manager, where normally like let's say the
21 manager, usually the senior person would run the
22 meeting and then the other person would be taking
23 notes, but in this case all three were throwing
24 questions and participating.

25 Q. Did you have to take a break during the

1 fact finding because of this different -- having
2 three people asking questions and things like that?

3 A. Yes. As far as I remember, I took three
4 breaks, which I had never done before.

5 Q. And what were the reasons for taking those
6 breaks?

7 A. The first one I know was because I was
8 having a disagreement with the Company counsel on
9 how posts are -- how people can view posts on
10 Facebook. I thought what she was saying was
11 incorrect and I tried to state that and then she
12 basically was not listening to me and said she was
13 asking the flight attendant. And then I said, well,
14 that's fine, but what you're saying is not correct.
15 And, you know, and then eventually I'm like, okay,
16 we need to take a break.

17 Q. And the other two were the same, or were
18 they different reasons?

19 A. Different reasons but similar where the
20 line of questioning I thought was maybe improper,
21 whatever. Usually, like I said, I've never taken
22 three breaks before. In fact, I've only ever taken
23 one break once, and that's because the person was
24 emotional. But otherwise, it's just a matter of
25 we're having -- we're not getting anywhere here, we

1 need to stop for a minute and take a break and come
2 back and restart this.

3 Q. So is it fair to say at times it seemed to
4 get a little contentious?

5 A. Yes.

6 Q. And that was out of the ordinary of these
7 other hundred that you've dealt with?

8 A. Yes.

9 Q. Did you draw any -- never mind. Strike
10 that.

11 During the fact finding session, did you
12 know or suspect the identity of the complaine
13 flight attendant?

14 A. Yes.

15 Q. And was that know or suspect?

16 A. Know.

17 Q. You knew who it was?

18 A. Yes.

19 Q. Okay. And who was that?

20 A. Audrey Stone.

21 Q. And who is Audrey Stone?

22 A. The president of TWU Local 556.

23 Q. Okay. And was there anything -- what was
24 your reaction to being the shop steward for a flight
25 attendant who had been complaints filed against by

1 the president of your Union?

2 A. Well, I've never represented anyone who
3 was brought before management by a member of the
4 executive board of TWU Local 556.

5 Q. So you had never been involved in any kind
6 where the president or any executive board member
7 had brought charges against a fellow flight
8 attendant?

9 A. Correct.

10 Q. Now, you know the nature of these charges
11 dealing with abortion videos and pictures, correct?

12 A. Yes.

13 Q. Okay. Did that change at all your
14 thoughts about that your president was bringing
15 charges against another flight attendant?

16 A. No.

17 Q. So the nature of the communications didn't
18 change your view?

19 A. No.

20 Q. And what is your view of your president
21 filing charges against another flight attendant?

22 A. Well, for the longest time the kind of
23 party line for the Union is that we need to talk to
24 each other first. And then if that -- if we're
25 unsuccessful of trying to work it out amongst

1 ourselves, whether on the aircraft or off, that our
2 next step should be to go to professional standards,
3 which is an avenue that we can try to mediate a
4 situation before involving management. So, be
5 irregular for a Union leader to skip those other
6 steps and go directly to management.

7 Q. During the fact finding were the actual
8 videos that Charlene had sent to Audrey shown to you
9 and the people there?

10 A. No.

11 Q. You just had still pictures like this?

12 A. Yes. It was like printed like this, like
13 it was a printed screenshot or something like that.
14 It wasn't --

15 Q. Okay. And yet you obviously looked at
16 these screenshots and know what they depict.

17 A. Yes.

18 Q. Okay. And that didn't change your opinion
19 about the president --

20 A. No.

21 Q. -- filing? And then during the fact
22 finding, is it your recollection of whether
23 Charlene's point was that she was sending these
24 videos to Audrey as a individual because of some
25 beef with Audrey herself or because she had a beef

1 with the Union and Audrey was the president?

2 A. I think it had more to do with the
3 president, being the president of the Union, not a
4 personal thing.

5 Q. And so you didn't see the videos and the
6 messages as a personal thing between two flight
7 attendants?

8 A. No.

9 Q. What is -- as a shop steward and one for
10 over 12 years, if there is a dispute that a or an
11 issue that a flight attendant has with the Union,
12 would you consider that like an internal or a
13 dispute within the Union?

14 A. Yes.

15 Q. Okay. And what is your position as a
16 Union steward on what the Company should do when
17 there is such a dispute within the Union?

18 A. Well, I believe that the Company -- it's
19 kind of like unless it directly affects you, there's
20 a fine line between -- it's like especially at
21 election time for the Union, it's kind of that's a
22 Union matter. The Company seems to say this is a
23 Union matter, we're going to let the Union handle
24 that in-house, and then unless directly requested
25 we're not going to interfere.

1 Q. So basically the Company should stay out
2 of such matters?

3 A. Yes.

4 Q. Then what was your understanding of what
5 were your notes on Audrey's response to the
6 questions about why she had sent these Messenger
7 videos and still pictures to Audrey?

8 A. There wasn't any ever -- there was never
9 presented any statement from Audrey Stone during
10 that meeting as to any of this at all.

11 Q. And was there a reference in that meeting
12 to Audrey's feelings at all about receiving this
13 or -- well, answer that one.

14 A. Not that I recall directly. The only
15 thing I remember is that towards the end of the
16 meeting, the assistant base manager, Meggan Jones,
17 was making statements. And I asked her if this was
18 her view on this, it was her opinion on that, or if
19 that was the complaint that was actually being
20 lodged by Audrey Stone, because I had never seen --
21 there was no complaint presented.

22 Q. And did she answer your question to which
23 it was?

24 A. Not directly, no.

25 Q. So you don't feel you got an answer?

1 A. No.

2 Q. Was it your feeling that her expressions
3 were her personal views and not reflecting the
4 complainant's?

5 A. I felt that the statements that Meggan was
6 making were her own personal views on the situation.

7 Q. Did Ms. Carter explain to management what
8 she was hoping to get from Audrey by sending these
9 videos?

10 A. Yes.

11 Q. And what was her wish or hope?

12 A. That she was looking to have a dialogue
13 with her about -- had to do with kind of the women's
14 march and why the Union was supporting certain
15 things and that she just wanted to talk to her about
16 that because she didn't feel that the Union should
17 be doing that.

18 Q. And did she also -- did Ms. Carter also
19 express whether she had attempted to reach Audrey by
20 other means to have this dialogue?

21 A. Not about this issue, I don't believe.

22 Q. This march or this -- okay.

23 A. I don't think so.

24 Q. And did Ms. Carter mention anything about
25 the basis for her personal belief on abortion and

1 potentially trying to stop people from having
2 abortions?

3 A. Yes, she shared a personal story of
4 something that had happened to her when she was
5 younger and that how she -- and what she went
6 through and that she didn't want that to happen to
7 anyone else and that's why she felt so strongly
8 about it.

9 MR. CHAPPELL: I have no other questions.

10 THE ARBITRATOR: Thank you. Your witness.

11 CROSS-EXAMINATION

12 BY MS. GEHRKE:

13 Q. Mr. Sullivan, you testified that you asked
14 for three breaks during the fact finding meeting.
15 The first one you testified that there was some kind
16 of disagreement with the person on the phone from
17 the Company about how posts can be viewed on
18 Facebook and that you called for the break. What
19 was the purpose of taking the break?

20 A. Basically at that point I was having an
21 argument with the lawyer about Facebook and how it
22 operates and how posts are presented on Facebook,
23 and she was not allowing me to have the conversation
24 with her. She said she only wanted to speak to the
25 flight attendant directly, but I believe the

1 questions that she was asking at the time were
2 improper because that's not how it worked. And I
3 was trying to explain to her how it worked, and she
4 didn't want to hear anything about it. So I said,
5 okay, well, we're going to take a break for a
6 minute.

7 Q. Now, you mentioned that the person on the
8 phone you thought was a lawyer. Is that right?

9 A. Correct.

10 Q. And do you recall that person's name?

11 A. I'll tell you if you want me to flip it
12 over.

13 Q. I'll ask you -- if you don't know off the
14 top of your head, I'll ask you a couple of names.

15 A. I don't know. I know the initials are
16 D.G. I remember that much.

17 Q. Does the name Denise Gutierrez ring a
18 bell?

19 A. That sounds good. That's D.G.

20 Q. Okay. And if I told you that she was a
21 member of the employee relations department at
22 Southwest, does that ring a bell?

23 A. That sounds about right.

24 Q. And do you know for certain that she was a
25 lawyer as opposed to just a member of that

1 department?

2 A. I thought I was told that she was like a
3 counsel, you know, like a legal counsel was going to
4 be who was on the phone.

5 Q. But you don't know for sure?

6 A. I do not know for sure. I never met her.

7 Q. And then you testified that there was a
8 second break because you felt that there was -- it
9 was getting contentious, there wasn't really a lot
10 of progress in the questioning, and you called for a
11 break, correct?

12 A. Correct.

13 Q. What was discussed with Ms. Carter during
14 that second break?

15 A. Probably whatever was being -- I don't
16 know specifically. I can't remember specifically
17 what was discussed.

18 Q. Do you remember what you spoke to
19 Ms. Carter about during the first break?

20 A. It was about Facebook and about the posts
21 and how the posts were made to verify that I was
22 correct in how they perceived and how somebody views
23 a post on Facebook.

24 Once you post it, if you -- you have to
25 click on something and how many clicks you would

1 have to take to actually view a video, how many
2 clicks you would have to look to see a picture or
3 something like that.

4 Q. And were you at the time during the fact
5 finding meeting, were you guys discussing posts that
6 were made to Ms. Carter's public time line?

7 A. I'm sorry. During -- at what point?

8 Q. During the fact finding meeting you said
9 there was discussion about how things are viewed on
10 Facebook and the posts. Are you talking about posts
11 on the time line?

12 A. I was talking -- my original discussion
13 with whoever this person was was about the posts
14 that she sent or the message that she sent to Audrey
15 Stone, because that was the main thing is if
16 somebody is going to see this picture or these
17 videos, how does that present itself on the Facebook
18 page.

19 Q. Okay. So we had two different posts, I
20 believe, that -- let me ask you. Was the discussion
21 during the fact finding meeting regarding private
22 Facebook Messenger posts to Ms. Stone as well as
23 public Facebook time line posts that Ms. Carter had
24 made with the abortion videos, both?

25 A. I know the first part, yes. The second

1 part, I know that there was a discussion about a
2 post on her page that had to do with Israel, but I
3 don't know about -- I don't recall that specific
4 about posts, that post being on her personal page.

5 Q. Do you recall the Company asking her
6 questions regarding abortion videos being on her
7 public Facebook page?

8 A. I can't say for certain a hundred percent
9 without looking at notes or anything like that.

10 Q. And I don't want your notes. Thank you.

11 A. I'm not going to --

12 MR. CHAPPELL: Well, I would like him to
13 answer it correctly and we'd like him to refresh his
14 recollection by looking at the notes because they do
15 clearly answer her questions.

16 THE ARBITRATOR: I think that's
17 appropriate. Arbitration is a search for the truth.
18 It's not to see who wins by a preponderance of the
19 evidence. So if it gives me more information, I
20 don't want the notes, you can look at your notes and
21 see whether or not you recall a discussion about the
22 public posting.

23 THE WITNESS: Okay.

24 MR. CHAPPELL: So you can take time to
25 look at that and see if that helps clarify her

1 questions about the break and all of that.

2 BY MS. GEHRKE:

3 Q. It may make it easier for you that it was
4 probably around a discussion of her being in uniform
5 and you mentioned the Southwest pin. That was
6 around the discussion.

7 A. Okay.

8 Q. Go ahead and answer if you know.

9 A. Okay. So it says that there were -- there
10 was a question about posts that she had made on her
11 personal page about abortion, and the question was
12 to why -- why did you post that. And that's where
13 she went into her personal story of what had
14 happened to her.

15 Q. Okay. And you mentioned that you had
16 asked for a third break during the fact finding
17 meeting, correct?

18 A. As far as I remember, yes.

19 Q. But I don't think we ever heard any
20 testimony as to why you called for that third break.
21 Do you recall?

22 A. I don't recall specifically, no.

23 Q. Do you know if that would be reflected in
24 your notes?

25 A. It should be.

1 Q. Would you like to look?

2 A. Sure.

3 Q. Go ahead.

4 A. Okay.

5 Q. Okay. Do you know why you took the third
6 break?

7 A. Yes, because at that point there were
8 questions that -- may I look again to see who asked
9 that question? Sorry.

10 Q. Go ahead.

11 A. Okay. There were repeated -- the same
12 question was coming up again and again basically by
13 each member of management was asking the same
14 question. It was a question that had been asked and
15 answered, so I just felt like we weren't getting
16 anywhere, and I'm like, this question's been
17 answered before, let's keep moving forward. And
18 they continued to ask the same question, so I took a
19 break.

20 Q. What was the subject matter of those
21 alleged repeat questions?

22 A. So it was the idea is why do you -- why
23 did you think that you should send this message, why
24 did you send this message.

25 Q. You mentioned earlier or you testified

1 earlier that one of the reasons that this fact
2 finding meeting seemed a little unique to you was
3 because you and Ms. Carter were kind of not given a
4 letter or complaint or anything in writing to kind
5 of detail the nature of why you were there, correct?

6 A. Correct.

7 Q. But you understood why you were there
8 before you attended, correct?

9 A. Yes.

10 Q. And you testified earlier that -- let me
11 ask you this. You testified that you had
12 participated in other harassment fact finding
13 meetings, right?

14 A. Yes.

15 Q. And during that fact finding meeting or
16 meetings, was the harassment complaint actually
17 presented to the grievant or to the accused during
18 that meeting?

19 A. So it's presented in a verbal form. It's
20 never passed across, like you don't get a piece of
21 paper. The only time you ever see like a piece of
22 paper in your hand usually is if it's a customer
23 complaint with the name blacked out or whatever.
24 If it's a irregularity report or something to that
25 effect from another employee, then it's usually read

1 by one of the management representatives.

2 Q. Are you aware that the Company usually
3 tries to keep harassment complaints and the origin
4 of the harassment complaints confidential?

5 A. Yes. That's why it's always part of any
6 type of that meeting is always prefaced with the
7 whole procedures on retaliation and all that kind of
8 stuff all throughout the meeting. So that's always
9 in there, but they do read the complaints or state
10 the exact nature of the complaint during the
11 meeting.

12 Q. Okay. Now, you testified that sometimes
13 the Company will not get involved in dispute
14 involving two flight attendants if it feels that
15 it's a Union matter unless they're requested to get
16 involved. Is that right?

17 A. Correct.

18 Q. Would you agree that in this instance
19 Ms. Stone did ask the Company to get involved --

20 A. Yes.

21 Q. -- by filing the complaint?

22 A. Yes.

23 Q. And you testified that you saw the still
24 shots of the two abortion videos that were kind
25 of -- form the basis of the complaint, correct?

1 A. Yeah, it looked just like that.

2 Q. Did you actually watch the videos during
3 the fact finding meeting?

4 A. No.

5 Q. Have you ever watched the videos?

6 A. No.

7 Q. Okay. So you have no basis to say whether
8 or not they were graphic or not?

9 A. No.

10 Q. And if I heard you correctly, you
11 testified that your practice is to take handwritten
12 notes during the fact finding meeting?

13 A. That's the practice of all shop stewards
14 and management during fact findings.

15 Q. And that's what you did in this case,
16 correct?

17 A. Yes.

18 Q. And then you'll later go back and kind of
19 take your shorthand and type them up? Is that
20 right?

21 A. Correct.

22 Q. And that's the notes we have here,
23 correct?

24 A. Correct.

25 Q. Okay. If I look at your notes, it looks

1 like that's about seven pages? Does that sound
2 about right?

3 A. Yes.

4 Q. And did you sometimes ask for the fact
5 finding meeting to pause for a moment so you could
6 catch up on your notes?

7 A. I don't remember specifically in this
8 instance, but that's common that somebody may be
9 behind a little bit and then catch up, so yes.

10 Q. And you mentioned that Meggan Jones was
11 present during the fact finding meeting, correct?

12 A. Yes.

13 Q. And she was there primarily as the Company
14 representative to take their notes, correct?

15 A. Yes.

16 Q. And was Ms. Jones there taking notes on
17 her computer?

18 A. I don't recall, but I know she has in the
19 past.

20 Q. Okay. So as far as you're aware, that's
21 her practice is to take the notes on the computer in
22 realtime?

23 A. Yes.

24 Q. If I told you that Ms. Jones' notes total
25 17 pages, would you agree with me that they're

1 probably more accurate than yours at seven pages?

2 A. I would not agree with that, no.

3 Q. Why not?

4 A. Well, that's an assumption that hers are
5 more accurate than mine. I don't -- I would
6 disagree.

7 Q. Would you agree they probably include more
8 detail that yours don't?

9 A. I would not agree, no.

10 Q. How well do you know the Union president,
11 Ms. Audrey Stone?

12 A. I've known her for at least ten years.

13 Q. Did you ever work with her out of the
14 Baltimore airport?

15 A. Yes. She was a friend of mine from a long
16 time.

17 Q. Did you ever run against Ms. Stone for the
18 Baltimore domicile rep?

19 A. No.

20 Q. Do you support Ms. Stone as Union
21 president?

22 A. In what capacity?

23 Q. Are you a supporter of the Union recall
24 effort to kick Ms. Stone and her team out of office?

25 A. Did I sign the recall? Yes.

1 Q. Mr. Sullivan, what did you do to prepare
2 for your testimony today?

3 A. I looked over the notes a little bit on
4 the way here, but that's it.

5 Q. Did you speak to Ms. Carter regarding your
6 testimony?

7 A. No.

8 Q. Did you speak to Ms. Carter's lawyers
9 regarding your testimony?

10 A. Just about when I was supposed to be where
11 and when.

12 Q. Did you speak to them about the content of
13 what they'd like you to testify about?

14 A. No.

15 MS. GEHRKE: No further questions. Thank
16 you.

17 MR. CHAPPELL: I have a brief few
18 follow-up if that's okay.

19 THE ARBITRATOR: Sure.

20 REDIRECT EXAMINATION

21 BY MR. CHAPPELL:

22 Q. During your 12 years, have they been
23 consistent, consecutive 12 years?

24 A. Yes.

25 Q. And during that time how many Union

1 presidents have there been?

2 A. Three.

3 Q. And is there any way that the fact that
4 you signed the recall petition affected the accuracy
5 of your note taking of this grievance, I mean of
6 this fact finding?

7 A. Absolutely not.

8 Q. And as a Union steward, is it true that
9 you believe that your duties go to the Union, not to
10 a -- whoever is the current president?

11 A. Correct.

12 Q. And that your duties of being a proper
13 Union steward and following the rules have no effect
14 on who is the president?

15 A. Correct.

16 MR. CHAPPELL: No further questions.

17 RECROSS-EXAMINATION

18 BY MS. GEHRKE:

19 Q. I have a question, Mr. Sullivan. Are you
20 aware that your Union filed a motion to quash your
21 subpoena to have you come and testify today?

22 MR. CHAPPELL: I -- that's a
23 mischaracterization.

24 THE ARBITRATOR: Actually they didn't. I
25 quashed it. My bad. It was done in the motion.

1 MS. GEHRKE: Okay. But he said -- I think
2 he said that it was an oversight, he didn't know if
3 he had been served, and he would have --

4 THE ARBITRATOR: Didn't observe -- he
5 wasn't aware of the subpoena.

6 MS. GEHRKE: Mr. Richard. But if he had
7 been, I think he tes -- or indicated he would have
8 included it in the motion, because the Union --

9 MR. CHAPPELL: Well, accurately state what
10 the motion said.

11 THE ARBITRATOR: Okay.

12 MR. CHAPPELL: I think the arbitrator
13 knows what the motion said.

14 MS. GEHRKE: My point being the Union
15 would have preferred that he not testify, yet here
16 he is today on behalf of Ms. Carter. So I think
17 that goes to the rele -- his -- where his allegiance
18 lies.

19 THE WITNESS: I testified because I was
20 the shop steward that represented the flight
21 attendant at the meeting, which my sole
22 responsibility as a shop steward is to represent the
23 flight attendant in question no matter who they are.
24 I've represented plenty of people I didn't like and
25 in situations I didn't like, but that's my job as a

1 shop steward.

2 THE ARBITRATOR: So I understand. I'll
3 weigh that as part of my determination --

4 MS. GEHRKE: Fair enough.

5 THE ARBITRATOR: -- on the weight to be
6 given to his testimony.

7 BY MS. GEHRKE:

8 Q. Mr. Sullivan, would you agree that even
9 though she's the Union president that Ms. Stone is
10 still a Southwest employee?

11 A. Correct.

12 Q. And as a Southwest employee, she's still
13 bound by Southwest's policies on the mission
14 statement, harassment, all those kinds of things?

15 A. Yes.

16 Q. Would you agree with me that she's still
17 entitled to the protections of those policies?

18 A. Yes.

19 MS. GEHRKE: Thank you. Nothing further.

20 THE ARBITRATOR: All right.

21 MR. CHAPPELL: That's it.

22 THE ARBITRATOR: Off the record then.

23

24 (Proceedings adjourned at 6:44 p.m.)

25 -oOo-

REPORTER'S CERTIFICATION

I, KAREN L. SHELTON, CSR No. 7050,
Certified Shorthand Reporter, certify;

That the foregoing proceedings were taken
before me at the time and place therein set forth;

That the testimony of the witnesses, the
questions propounded, and all objections and/or
statements made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative
or employee of any attorney of the parties, nor
financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand and
seal of office on this the 15th day of December,
2017.

KAREN L. SHELTON, CSR/RDR/CRR
Texas CSR 7050 Exp. 12/31/18
ABC Court Reporters
CRCB Firm Registration No. 491
The Nathaniel Barrett Building
903 E. 18th Street, Suite 115
Plano, Texas 75074
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5
6 ARBITRATION
7 IN THE MATTER OF
8 TERMINATION OF CHARLENE CARTER
9 CASE NO. 24-0714
10 BETWEEN
11 CHARLENE CARTER
12 and
13 SOUTHWEST AIRLINES CO.
14

15 VOLUME 2

16
17 DECEMBER 8, 2017
18

19
20 EMBASSY SUITES - DALLAS MARKET CENTER
21 2727 NORTH STEMMONS FREEWAY
22 DALLAS, TEXAS
23
24
25

A P P E A R A N C E S

ARBITRATOR:

MR. BILL LEMONS

Peoples Petroleum Building

102 North College Avenue, Suite 1026

Tyler, Texas 75702

(903) 630-5039

whlemons@satexlaw.com

FOR THE COMPANY:

MS. MICHELE HAYDEL GEHRKE

MR. BRIAN K. MORRIS

POL SINELLI

Three Embarcadero Center, Suite 2400

San Francisco, California 94111

(415) 248-2173

mgehrke@polsinelli.com

FOR THE GRIEVANT:

MR. MILTON L. CHAPPELL

MR. JEFF D. JENNINGS

NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION

8001 Braddock Road, Suite 600

Springfield, Virginia 22160

(703) 321-8510

mlc@nrtw.org

jdj@nrtw.org

ALSO PRESENT:

Ms. Charlene Carter, Grievant

Ms. Melissa Burdine

Manager, Labor Relations

Ms. Lauren Armstrong, Paralegal

General Counsel Department

Mr. Stephen L. Myers

Attorney, General Counsel Department

Ms. Patricia Ireland

Phillips, Richard & Rind, P.A.

On Behalf of TWU Local 556

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1 P R O C E E D I N G S

2 8:36 a.m.

3 * * *

4 THE ARBITRATOR: We'll go on the record.

5 This is the second day of our proceeding. It's

6 Friday. I believe it's the 8th, and it's about

7 8:40. We've agreed to start sooner.

8 So the Company has rested subject to

9 rebuttal, and you now may start your case in chief.

10 MR. CHAPPELL: I called one witness

11 yesterday as part of my case.

12 THE ARBITRATOR: Yes, sir.

13 MR. CHAPPELL: This is calling today the

14 grievant, Charlene Carter, and she's here. Was she

15 sworn?

16 THE ARBITRATOR: No, I'm about to do that.

17 Would you raise your right hand.

18 Do you swear that the testimony you're

19 about to give in this arbitration shall be the

20 truth?

21 THE WITNESS: Yes.

22 THE ARBITRATOR: Thank you. All right.

23

24

25

1 CHARLENE CARTER,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. CHAPPELL:

5 Q. Ms. Carter, how long were you employed
6 with Southwest Airlines?

7 A. I've been here right at about 20 years or
8 almost 21 years now. I was hired in 1996.

9 Q. Okay. And what position were you hired
10 into as?

11 A. As a flight attendant.

12 Q. And at the time of your termination, what
13 position did you hold?

14 A. Flight attendant.

15 Q. And did that position change at all in
16 those almost 21 years?

17 A. Things that we do, yes, but not the
18 position.

19 Q. Not the classification or the position?

20 A. Right.

21 Q. Okay. We had testimony yesterday about
22 that over the last couple of years or several months
23 that you have exercised your rights under the
24 collective bargaining agreement to make trip trades
25 or giveaways. Do you know what I mean by trip

1 trades and giveaways?

2 A. Yes, I do.

3 Q. And so my question is, what is the reason
4 that you were exercising the right to make trip
5 trades and giveaways over the last couple years?

6 A. Over the last couple of years. Well,
7 first of all, when I started here I had my son and I
8 was able to share custody with his daddy.

9 When I got married, now I have a daughter
10 and so from the time I had her it's been sporadic
11 that I've had to give away trips due to scheduling
12 and so forth. And now that she's 14 and I'm able to
13 do some other types of things with her as in she
14 gets to stay home, you know, through some of the day
15 on her own for a few hours, I can fly more.

16 Also, I've also been injured on the
17 airplane and I was going through some back issues as
18 well, but mostly it has to do with also I homeschool
19 my daughter as well, so there's days that I can't --
20 not can't fly, but she's my main priority.

21 Q. You might have halfway answered this
22 question, but I want it clear, so I'm going to ask
23 it now. If you are reinstated to the Company, will
24 the current -- well, the recent pattern of basically
25 giving away or trading trips continue?

1 A. No, because my daughter now is of age to
2 where I can actually either have another neighbor
3 come over and maybe watch her for a little while or,
4 you know, she's now of age where she can stay at
5 home for a couple of hours on her own and I can
6 actually hold turns which is also another great
7 thing. So with her age now, it's a lot easier.

8 Q. Okay. At the fact finding -- well, there
9 was a fact finding before you were terminated,
10 correct?

11 A. Uh-huh.

12 Q. And you remember that fact finding?

13 A. Yes, sir.

14 Q. Okay. And as part of that fact finding,
15 you were shown multiple pictures from your Facebook
16 account that showed you in some form or relationship
17 with Southwest, or that was the allegation. Do you
18 remember that?

19 A. Right, yes.

20 Q. Okay. If you can look at what's called
21 Southwest Company Exhibit No. 8, which has already
22 been in evidence. And I'd like you to start at the
23 third page and just look through to the end. And
24 when you're done, I'll follow up my question.

25 A. Okay. Yeah, those are all mine.

1 Q. And are those the pictures that were shown
2 to you --

3 A. Yes, sir.

4 Q. -- by the Company people, maybe Ed or
5 others --

6 A. Yes.

7 Q. -- during the fact finding? Okay.

8 When you were shown these pictures, did
9 you have any reaction or any comments to Ed or
10 whoever was showing them to you?

11 A. I did, because these are pretty old
12 pictures. They were posted in the last I'd say
13 anywhere between three to four years ago, two to
14 three, four years ago. The only recent one would
15 have been this one.

16 Q. And this one would be the last one?

17 A. That's the last one, that is correct.

18 Q. And just to help the record, at the very
19 bottom it says "Headed to D.C."

20 A. "Headed to D.C.," uh-huh. This was in
21 January. I actually went to the inauguration.

22 Q. And based on you looking at that picture,
23 do you see anything that someone in the public who
24 came across could identify you as Southwest?

25 A. No.

1 Q. Okay.

2 A. No.

3 Q. Do you see some kind of a -- something
4 around your neck with looks like a rectangle or
5 something kind of in the middle of your body?

6 A. Yeah.

7 Q. Okay. That doesn't identify you as a
8 Southwest flight attendant?

9 A. The only people that would recognize that
10 at all would be a Southwest employee, because if you
11 look at this picture, and I've even blown it up, you
12 cannot read, see anything on that. Yes, that is my
13 ID. I was in the airport, and that's how I get in
14 and out of the airport and then also, you know, on
15 my flights because I non-rev. But that right there,
16 no, you cannot see it.

17 Q. And nowhere with this picture do you
18 identify yourself as being employed by Southwest?

19 A. No.

20 Q. And so for a general public person, even
21 if they say, hey, wait a minute, that looks like
22 maybe a flight attendant, is this shape unique to
23 Southwest or would the other airlines have that
24 shape?

25 A. Well, I -- heck, half the people that work

1 for all corporations now have an ID that they wear
2 around their -- with a lanyard and so forth. So,
3 no. I mean, I don't believe anybody would know that
4 that was a Southwest Airlines unless they are an
5 employee or a Union member.

6 Q. So at the fact finding you put management
7 on notice that these -- all of these pictures except
8 for the last one were --

9 A. Yes, I did.

10 Q. -- several years old.

11 A. Yes.

12 Q. Now, I want you -- after the fact finding,
13 you grieved the -- well, the results of the fact
14 finding was that you received a letter that informed
15 you you were terminated, right?

16 A. Correct.

17 Q. And you grieved that termination.

18 A. Yes, I did.

19 Q. And the grievance goes to a step 2
20 hearing?

21 A. That is correct.

22 Q. Okay. And that was conducted by Mr. Sims.
23 Is that correct?

24 A. Yes.

25 Q. And at that hearing you were allowed to

1 bring documents and were allowed to make comments
2 and present your case to Mr. Sims, correct?

3 A. Correct.

4 Q. Okay. I'm going to now refer to Southwest
5 Exhibit 14 and direct your attention to -- starting
6 on page 82. I don't know that I need to say all the
7 zeros before it, but it ends up being 82.

8 THE ARBITRATOR: That's Company what?

9 MR. CHAPPELL: 14, one four.

10 BY MR. CHAPPELL:

11 Q. And starting on page 82 and going
12 through -- well, let's say go through 90. Does that
13 represent -- did you bring those pictures?

14 A. I did, yes.

15 Q. And those pictures look a little different
16 than -- I mean, there's more than just the picture
17 in what you present. Why is that?

18 A. Because the other original ones that they
19 had brought in to the Company or that I was
20 presented with in my fact finding meeting did not
21 have dates on them. And, first of all, somebody had
22 to get onto my Facebook page and actually scroll
23 through and try to find these pictures because it
24 took me awhile to go through my albums just to find
25 some of these.

1 Q. Okay.

2 A. This was --

3 Q. Where is the date then on --

4 A. It's going to be up in here, but I
5 can't --

6 Q. Let's do 82. Okay. When you point to "up
7 here," you're pointing right below --

8 A. Below my name.

9 Q. -- where it says "Charlene Carter"?

10 A. That is correct.

11 Q. And is it correct to say that 82, 83 is
12 what we call a screenshot?

13 A. That is correct.

14 Q. Again from your Facebook page?

15 A. Correct.

16 Q. Okay. Which includes the picture and then
17 comments on what you said about it --

18 A. And the date, yes.

19 Q. -- and what others may have said?

20 A. Yes.

21 Q. And that is where the date shows?

22 A. Yes.

23 Q. And the date never shows just in the
24 picture?

25 A. The date does not show? Is that --

1 Q. No, that's my question. Does the date
2 show just in the picture, or the date's always over
3 here in your comments?

4 A. It's always over here in the comments.

5 Q. Okay. Now, there is also highlighting in
6 this picture.

7 A. Uh-huh.

8 Q. Do you know who made the highlighting?

9 A. I did.

10 Q. Okay. And does it appear that the dates
11 are attempted to be highlighted or are more
12 highlighted?

13 A. Yes.

14 Q. And does the highlighting make it a little
15 difficult to now read the dates?

16 A. Yes.

17 Q. Okay.

18 A. Unfortunately.

19 Q. From your computer were you able to print
20 out the pictures that you were shown at the fact
21 finding, the full screenshots that show legible
22 dates?

23 A. I believe so, yes.

24 MR. CHAPPELL: Then we can do this two
25 ways. Why don't we go off the record.

1 THE ARBITRATOR: Sure.

2 (Off record from 8:48 to 8:49)

3 MR. CHAPPELL: Back on the record.

4 BY MR. CHAPPELL:

5 Q. I'm going to direct your attention back to
6 Southwest Company Exhibit No. 8 which are the
7 pictures that you testified that you were shown at
8 the fact finding.

9 A. Correct.

10 Q. And did you go back to your computer more
11 recently and print out the full screenshots showing
12 the dates of each of these pictures that consist
13 of -- starting on the second page going to the end
14 of number 8?

15 A. Yes, I did.

16 Q. Okay. I'm going to show you now --

17 A. Okay.

18 Q. I'm going to do it in the order that the
19 pictures appear in Exhibit No. 8 so that you can
20 compare them.

21 A. Okay.

22 Q. So looking at what would be the third
23 picture in Exhibit 8, what I just showed you, is
24 that the screenshot that you printed out?

25 A. Yes, it is.

1 Q. Does it show the date that that picture
2 was posted on Facebook?

3 A. It says June 30th, 2013.

4 Q. Okay. Turning to the next picture which
5 would be the fourth picture in number 8, did you do
6 the same thing, go into your computer and print out
7 the full screenshot?

8 A. Yes, I did.

9 Q. Okay. What I just have handed you, is
10 that that screenshot?

11 A. Yes, sir, it is.

12 Q. Okay. And then can you read the date that
13 it shows that you posted it?

14 A. January 9th, 2014.

15 Q. Okay. Now I'm going to what would be the
16 fifth picture in Exhibit 8, and it also is the sixth
17 picture just to show the -- it's the same picture
18 twice. And I'm showing you the screenshot that you
19 printed out from your computer. And is what I just
20 showed you that screenshot?

21 A. Yes, sir.

22 Q. Okay. And what is the date that Facebook
23 put that you first posted that?

24 A. September 17th, 2014.

25 Q. Okay. So I'm skipping because there's two

1 that that covers, and I'm now at the picture that
2 says "Live At 35" in Exhibit 8. And I'm now handing
3 you a copy of the screenshot that you printed out of
4 that picture. And is what I handed you that
5 screenshot?

6 A. Yes, this is the same picture.

7 Q. Okay. And what is the date that Facebook
8 put that you first posted that picture?

9 A. May 27th, 2013.

10 Q. Okay. And the third picture from the end
11 of Exhibit 8, I am showing you a copy of the
12 screenshot that you printed out, is that correct --

13 A. That is correct.

14 Q. -- of that picture? And can you read the
15 date that Facebook said you posted that?

16 A. I believe it says August 26th, 2013.

17 Q. Okay. And now the next to the last
18 picture on Exhibit 8, I'm handing you the copy of
19 the screenshot from your Facebook account that you
20 took. Is it the same picture?

21 A. Yes, it is.

22 Q. And what is the date that Facebook put
23 that you first posted that picture?

24 A. March 9th, 2014.

25 Q. Okay. And the last picture we have

1 already discussed, and you have established that it
2 was -- you said you went to the inauguration? Was
3 that it?

4 A. Uh-huh.

5 Q. Okay. Just so that we have a complete
6 record, I really don't need to do this, but here is
7 the screenshot, the full screenshot of that. Is
8 what I just handed you that screenshot?

9 A. Yes, sir.

10 Q. And what is the date that Facebook said?

11 A. January 19th, and it would be 2017.

12 Q. Okay. And how do you know that it's 2017?

13 A. Because I went to the inauguration of
14 President Trump.

15 Q. Okay. And there is no date, no year date
16 on the Facebook?

17 A. No, there's not. And the reason, I
18 believe, is just because if it's in that year,
19 it's --

20 Q. The current year they don't?

21 A. The current year, yeah, they don't list
22 it. I believe that's the way this happens.

23 MR. CHAPPELL: I move the admission of
24 these photos in the order I just marked them.

25 MS. GEHRKE: Are you going to mark them as

1 a single exhibit and number it or --

2 MR. CHAPPELL: We can -- I can mark them
3 all as a -- maybe it's easier just to mark them as
4 CC-4, 5, 6.

5 THE ARBITRATOR: Let's do this. Do you
6 have that device that clips these together?

7 MR. CHAPPELL: That stapler?

8 THE ARBITRATOR: Yeah, because I want to
9 get one of those. We'll make it one exhibit,
10 please.

11 MR. CHAPPELL: Okay. So it will be CC --
12 I think I'm at 4.

13 THE ARBITRATOR: I think that's right.
14 Yes, that's 4.

15 (Grievant's Exhibit CC-4 marked)

16 BY MR. CHAPPELL:

17 Q. Why did seeing some of your Union
18 leadership and members at a women's march earlier
19 this year affect you so much?

20 A. Well, the reason that it affected me so
21 much is because of my own personal experience.
22 They -- let me back up. Planned Parenthood was the
23 main sponsor of the women's march. I personally
24 have dealt with them when I was a young lady. And
25 my Union dues, when I saw that these ladies went to

1 this march and found out later that my Union dues
2 were spent for them to enjoy this march, and they
3 did, it brought back some emotions that took over.
4 And it --

5 Q. Emotions of what?

6 A. Of something that I did back in the day
7 that I'm not proud of. And it brought back a lot of
8 anger in my heart and sadness and --

9 Q. What was it that you're not proud of or
10 that you did in the day?

11 A. I had an abortion.

12 Q. How old were you then?

13 A. I was 18, 19 years old.

14 Q. And I believe you just testified that
15 brought back anger. Who were you angry at?

16 A. Myself and Planned Parenthood and the
17 whole situation. And --

18 Q. What situation?

19 A. Making a decision to abort a baby. And
20 back then I didn't have the wherewithal, the -- we
21 didn't have social media. We didn't have the things
22 that we now can share. I didn't -- I wasn't
23 educated on what was really happening. And if I
24 would have known what I know now, I would have
25 never, ever done what I did.

1 And so I have since then over the years,
2 and I'm a Christian, I have had to deal with that
3 within my own personal relationship with God and my
4 family and had to come to terms with it. And I was
5 there on that day when these women were coming in.

6 Q. When you say you were there, you mean
7 Washington, D.C.?

8 A. Yes, sir. I went to the inauguration.
9 And the day after the inauguration, all these women
10 were coming in for this march. And I saw the signs,
11 I saw the outfits, I saw the hats, I saw people that
12 were pro-life being ridiculed and told that they
13 were not welcomed at this march.

14 I had no idea at that time that my Union
15 was at this march. And when I found out on -- I
16 don't even remember what the date it was. It was
17 being talked about within our Union, because this
18 group of women went, dressed, had signs, and then I
19 later found out they were paid to go to this march
20 or me paid for them to go to this march.

21 Q. Well, how were these feelings that you
22 just described affected, if they were, when you
23 learned that your dues money had supported this?

24 A. Made me sick. Made me sick. I do
25 everything right now to absolutely counteract what

1 this organization and others are doing right now. I
2 don't care if they go --

3 Q. Wait a minute. This organization. What
4 does that refer to, what organization?

5 A. Planned Parenthood.

6 Q. That doesn't refer to the TWU union?

7 A. No, it refers to TWU union as well.

8 Q. So it refers to both Planned Parenthood
9 and the TWU union?

10 A. Yes.

11 Q. Okay. Keep going because I want the
12 record clear, so when you use pronouns we need to
13 clear it up.

14 A. I know that I'm an objector. I know that
15 my dues do not go up to International anymore. It's
16 only \$7 and something a month. It's a very small
17 amount. But the rest of my dues support this local
18 and still pay to go to this march, and it -- it
19 upset me tremendously. It was a slap in the face
20 for me.

21 Q. Well, then tell us how you ended up
22 sending the abortion videos and the screenshot that
23 is the first two pages -- it's exhibit -- I'm going
24 to get the right exhibit here. It's the first two
25 pages -- yeah, so let me first of all establish,

1 Southwest Exhibit 9 I've handed before you and pages
2 1 and 2, do those represent the wording and videos
3 that you sent Audrey Stone?

4 A. Yes, it is.

5 Q. And who is Audrey Stone?

6 THE ARBITRATOR: We know who Audrey Stone
7 is.

8 MR. CHAPPELL: Okay. That's fine.

9 BY MR. CHAPPELL:

10 Q. Now, my question then is to tell us how
11 you ended up sending the videos that are represented
12 on pages 1 and 2 of Exhibit 9 and to Audrey Stone.

13 A. The day that -- I had found out that they
14 had gone to march because -- first of all, back up.
15 They never said anything to this membership about
16 going prior. If this was for the women's committee,
17 that was done on the 19th, as I recall. They
18 elected to go to the march on I believe it was the
19 21st. The women's committee was already over.

20 There were, I believe, 20 or so flight
21 attendants that went. They were pulled from trips.
22 They were given positive space on Southwest
23 Airlines. My Union dues --

24 THE ARBITRATOR: To go to the women's
25 committee meeting or to the march?

1 THE WITNESS: To both. It paid for the
2 entire trip, sir. If it would have just been the
3 committee that they went to, it would have been no
4 big deal.

5 THE ARBITRATOR: Let the record reflect
6 that a very good counsel has joined us for the
7 second day.

8 MS. IRELAND: And let me suggest my
9 apologies, but also the door was locked, so that
10 made it really hard to get in.

11 THE ARBITRATOR: Would you tell this young
12 lady your full name.

13 MS. IRELAND: Yes. My name is Patricia
14 Ireland, like the country, and I'm representing
15 Transport Workers 556.

16 THE ARBITRATOR: And I will disclose I've
17 had one arbitration with Ms. Ireland in the past.
18 Welcome.

19 MS. IRELAND: Thank you. I do apologize
20 for interrupting.

21 (Off record from 9:04 to 9:05)

22 THE ARBITRATOR: All right. We were
23 talking about the motivation and -- anyway, continue
24 with explaining.

25 BY MR. CHAPPELL:

1 Q. Yeah, explaining exactly how it came up
2 that you sent these videos to Audrey.

3 A. When I found out, like I said, that they
4 had gone to this march was due to the fact that
5 others were talking about it. The day that I found
6 out that we had possibly spent our money, it just
7 went all over me.

8 Q. What went all over you?

9 A. The emotion of -- they're not representing
10 all of the flight attendants when they do these
11 things. This march was not necessary to go to. The
12 women's committee I understand, but the women's
13 march was an elected event for them. They all
14 dressed just like the women that I saw coming into
15 D.C. They sat around a table knitting those pink
16 hats. And I don't know if you know what they are or
17 what the -- it was called the pussy hat project.

18 Q. So how did you discover these videos?

19 A. These videos, I'm connected to several
20 different organizations and then through friends.
21 This one -- well, these two --

22 Q. What type of organizations? I need as
23 much specifics as --

24 A. Pro-life organizations. There's one that
25 I give to a lot and it's Alveda King, who is

1 Dr. Martin Luther King's niece. It's called Priests
2 For Life. It's one of the biggest ones that I
3 support. And if you go to their website, it is
4 there for everyone. They show pictures, and I
5 believe now they also have videos online about the
6 very --

7 Q. Is that where you got this video?

8 A. No, this is not where I got these videos.
9 This is through others that I am associated with on
10 Facebook that had put this out prior to the women's
11 march knowing that this was coming.

12 Q. When you say "this out," do you mean the
13 videos?

14 A. The videos, yes. And I had come across
15 them, and I had posted them on my Facebook page.

16 Q. Okay.

17 A. Which was my personal page at the time.

18 Q. And my question was, how did you end up
19 sending these videos to Audrey?

20 A. When I found out that our dues paid for
21 this march, my feelings, my emotions, the sickness
22 of everything that I had gone through and the fact
23 that they used our money to go here and represent
24 this, it affected me. And I -- out of my -- and I
25 do regret this. I do regret this.

1 Q. When you say "regret this," what does
2 "this" refer to? You regret what?

3 A. I wished that if it would have upset
4 Audrey Stone as much as it did -- the reason I sent
5 it to my president is because she is the leader of
6 our Union. It is not because I don't like Audrey
7 Stone. It is because she is the leader and she is
8 the one that elected to take these women to the
9 women's march.

10 I wanted her to understand if they were
11 going to go and do this what they were absolutely
12 representing us as flight attendants and they were
13 supporting. I believed at the time that if she
14 really cared about what the issues were that I was
15 concerned with over the period of time that she's
16 been our president, that she would at least reach
17 out.

18 Now, I don't know her political
19 affiliations and I don't know her stance on this,
20 but if you go to this type of event, you cannot tell
21 me as a grown woman that you don't know what you are
22 supporting when it is the main sponsor of this march
23 and the vitriol that was being spewed by the main
24 speakers at this march. So when --

25 Q. Had you viewed these videos before you

1 sent them?

2 A. Yes, I did. As a matter of fact, I have
3 let my 14-year-old view these videos as well because
4 I want my daughter to understand what life -- this
5 is life. This is not cells. This is not a bunch of
6 just tissue. This baby right here grew into what I
7 have now as my son and my daughter.

8 And I don't care what affiliation you are
9 or who you support, but when you take my money and
10 you go to this march and you support this, it went
11 all over me. And I had no one to contact except our
12 main representative about this since she went, she
13 organized it, she planned it, and she was the one
14 who said that our dues money paid for it.

15 So when you take that on as being the
16 representative of Southwest Airlines flight
17 attendants and our Union, I felt that she needed to
18 know how I felt about her supporting this, not as an
19 individual but as our Union president.

20 Q. When you sent this video, and it has the
21 time, so at that time when you pushed send, was it
22 your intent to hurt anyone?

23 A. No, it was not my intent to hurt anyone.
24 And I am sorry that if it affected her the way that
25 it did, but I wished as a woman, since this was a

1 women's march and she went there to protect all
2 women, that she could see how this may have affected
3 another woman at Southwest Airlines under the
4 umbrella of TWU 556 and as just a woman, as a
5 coworker that she claims that she is as well.

6 She did not support, they did not support
7 the entire membership when they went to this march.
8 I'm not saying the women's committee that they went
9 to. I'm talking about the march. They elected to
10 go to this. They posted pictures and videos of them
11 having fun at this march.

12 Q. "They posted" meaning the members from
13 TWU? Is that who you're talking about?

14 A. Yes.

15 Q. Are you talking about just marchers in
16 general?

17 A. No.

18 THE ARBITRATOR: About the pronouns,
19 Counsel, "they" means who? Who posted that?

20 THE WITNESS: The women that went to this
21 march, there is a YouTube video that they were
22 having a ton of fun making their hats, making their
23 signs, celebrating this march.

24 THE ARBITRATOR: My question is, who
25 posted the video? Do you know?

1 THE WITNESS: Yeah, it's one of the ladies
2 that's -- I don't remember. I think it's --

3 BY MR. CHAPPELL:

4 Q. Did you provide that posting to the
5 Company that the arbitrator asked you about?

6 A. No, I posted her on -- because they also
7 made a video, and they posted it on TWU 556 web
8 page.

9 THE ARBITRATOR: Okay. After the break we
10 can verify who actually posted that or not. Okay?

11 THE WITNESS: Well, the Union and the
12 women posted this on TWU 556 as well. It was on our
13 Facebook page at 556. And they showed all the
14 pictures or some of the pictures that I have taken
15 from that site and celebrating going.

16 BY MR. CHAPPELL:

17 Q. Earlier you said that Planned Parenthood I
18 believe you said was the main sponsor or some kind
19 of terminology. Do you remember that testimony?

20 A. Yes.

21 Q. Did you inform the Company that Planned
22 Parenthood and the basis for why you were claiming
23 they were the main sponsor?

24 A. Yes, I did.

25 Q. And would that have been in the material

1 that you submitted in the step 2 to Mr. --

2 A. Yes, it was.

3 Q. -- Sims? Okay. I'm going to show you
4 Southwest Exhibit 14. Turn to page 9.

5 MS. GEHRKE: Sorry. What was the exhibit?

6 BY MR. CHAPPELL:

7 Q. 14, page 9. And ask you if that was the
8 evidence that you presented showing that Planned
9 Parenthood was the exclusive, premier sponsor of the
10 Women's March on Washington.

11 A. Yes. As a matter of fact, this is their
12 web page, the women's march web page. The executive
13 premier sponsor is Planned Parenthood.

14 Q. Now, yesterday Mr. Sims testified and you
15 were here and heard that at your step 2 grievance
16 that you told him that you were sorry that you had
17 sent these videos to Audrey. Is his testimony
18 correct?

19 A. Yes, it is.

20 Q. Okay. Can you tell us why you told him
21 that you were sorry that you had sent the videos?

22 A. I was sorry that I sent the videos due to
23 the fact that if it upset her personally, that I
24 apologized for that. I sent the videos hoping --
25 and looking back it was a -- I know we all do

1 things. Nobody is not guilty of doing things when
2 emotions come into play. This was a mistake on my
3 part to send it to her like this.

4 But she has -- when I have e-mailed her in
5 the past or tried to call the Union office, I don't
6 get a response. They treat the people that have
7 opted out basically not very well. I've been called
8 a scab. I've been called a -- that I shouldn't even
9 be a part of this Union. But I still pay local dues
10 and they still spend my money. I was sorry that I
11 sent this video if it upset her personally, but this
12 video was meant for the fact that our Union went and
13 supported this march and I helped pay for it.

14 Q. And we had testimony yesterday also about
15 the fact finding that occurred.

16 A. Yes.

17 Q. And several people who were there
18 testified that you showed no remorse, you did not
19 sorry, something like that. The record can speak
20 for itself. Is that correct that at the fact
21 finding you did not say you were sorry --

22 A. No, it is not.

23 Q. -- about sending the video?

24 A. At that time at the fact finding meeting,
25 honestly I don't remember exactly what I said.

1 There were so many people throwing so many things at
2 me, and I didn't have all the facts before I could
3 go into that fact finding meeting.

4 Q. Well, I guess my question then is what
5 changed in your thinking between the fact finding
6 and the step 2, which was about -- I think about
7 three to four weeks, that caused you at step 2 to
8 tell Mr. Sims that you were sorry that you had sent
9 Audrey these videos?

10 A. Well, with anybody that makes a mistake,
11 you sit back and reflect and you sit back and -- and
12 due to the fact that I know that these videos, they
13 are disturbing, but they are fact. And for me, if I
14 can -- if I can say to her and sit down with her and
15 say that I'm sorry, I will, and I would.

16 Q. Well, that's really where I was going
17 next. After you told Mr. Sims at the step 2 hearing
18 that you were sorry, did you convey your --

19 A. I did.

20 Q. -- feelings towards Aud -- did you convey
21 that?

22 A. I did.

23 Q. Did you tell Audrey you were sorry?

24 A. No, because after --

25 Q. Why?

1 A. -- my second step meeting, when we were in
2 that meeting he told me to not reach out to anybody.
3 He told me not to, it would look like retaliation,
4 it could be considered as retaliation.

5 I did say I was sorry in that. He was
6 going to do his investigation. This whole thing, I
7 never would have dreamed my Union president would
8 have taken it to the Company due to the fact that
9 this was Union business. This is nothing to do with
10 Southwest Airlines except that they highlighted
11 Southwest Airlines with their airplane on the web
12 page of 556 through the video.

13 And then our lights of some of our
14 airplanes were turned pink, and they celebrated that
15 as well. And I have friends that were flying that
16 day that passengers were saying to them that they
17 felt uncomfortable on our airplanes and that they
18 reached out to Southwest Airlines. And Southwest
19 Airlines said to them that our flight attendants
20 have all the ability to celebrate different things.

21 Do they understand what they were
22 celebrating by turning those lights pink when some
23 of those passengers may have felt very uncomfortable
24 with the fact that they were allowing to celebrate
25 this women's march? But I was told from my Facebook

1 page that it was disparaging to them because I'm
2 pro-life, but yet they allowed these women or men to
3 turn these lights pink on these airplanes and only
4 explain it to be it's just our mood lighting. And
5 it was listed on the pages.

6 Q. My question there was, why didn't you tell
7 Audrey, and I believe you said that you had been
8 informed at the fact finding that you should --

9 A. Yes.

10 Q. -- have no contact?

11 A. They said do not have any contact with --
12 that they were going to do their investigation, and
13 I agreed with that. I was very honest with him and
14 I was very honest with my base manager and my
15 assistant base manager and all of the people that
16 were there at that meeting.

17 Q. Do you still want to tell Audrey that
18 you're sorry?

19 A. Yes.

20 Q. Especially after what you --

21 A. Yes.

22 Q. -- saw yesterday?

23 A. Yes, I do. I would have never wanted it
24 to affect her emotionally like that.

25 Q. And if Southwest made it clear to you that

1 that is okay or when it's okay to do that, what is
2 your intention?

3 A. I would love to sit down with her and
4 speak with her about the issues that affect me that
5 our Union does. I would love to apologize for this,
6 for it to have -- that if it affected her.

7 I would hope that this would bring more of
8 a dialogue with what our Union does with our money
9 and that we could come together as different groups
10 in Southwest Airlines about what we do support,
11 because it's really about our jobs. It's really
12 about our livelihoods. It's about our safety on our
13 airplanes. It's got nothing to do with this. That
14 women's march, they were saying about women's rights
15 with salaries? I make a good salary, or I did.
16 That's my livelihood.

17 Q. I have two other questions here relating
18 to the exhibit. First of all, again, looking at
19 Southwest Exhibit No. 9, above the video there is
20 some writing.

21 A. Yes.

22 Q. And you see that. Okay. Who did that
23 writing?

24 A. I did.

25 Q. Okay.

1 A. That was mine.

2 Q. Below the video there is more --

3 A. Yes.

4 Q. -- text and writing. Who did --

5 A. This was who it was sent by or posted by.

6 These are the comments that were from the posting
7 that was original, and it always goes with when you
8 send something to somebody. And these were private
9 messages.

10 Q. Right. But I'm just getting -- I want the
11 record clear. Which part of the text because --

12 A. This is mine.

13 Q. And I'm going to -- right.

14 A. This is mine.

15 Q. Which is yours and which is somebody
16 else's that --

17 A. Correct.

18 Q. -- went with the video as you just said.
19 I'm not trying to testify. Page 2 there's text
20 above the video. That's yours?

21 A. Yes.

22 Q. Below the video there is some more text.

23 A. This is -- this is below the text.

24 Q. Okay.

25 A. This is -- this is mine right here.

1 Q. Okay. This, did you know that is yours?

2 A. Yes.

3 Q. Okay.

4 MS. GEHRKE: Can you identify what you
5 guys are pointing to?

6 MR. CHAPPELL: Yeah.

7 THE WITNESS: Oh, sorry.

8 THE ARBITRATOR: It's the gray shaded area
9 in the larger font.

10 MR. CHAPPELL: Right.

11 THE ARBITRATOR: And immediately below the
12 picture is a smaller font that appears to be in a
13 different type.

14 MR. CHAPPELL: Right.

15 THE ARBITRATOR: I got it.

16 BY MR. CHAPPELL:

17 Q. Now, that covers the private messages
18 which is Exhibit 9. Exhibit 8 is the Facebook
19 posting, and we have text. And this is at page 1 of
20 Exhibit 8. We have text at the very top.

21 A. This is mine.

22 Q. And that is yours. Then we have -- it's a
23 different font, "My Page - Opinions," is that your
24 comments?

25 A. No.

1 MS. GEHRKE: I can't see what you're
2 pointing at.

3 MR. CHAPPELL: Oh, I'm sorry. At the top
4 there is text which she said is hers. Then next to
5 that there is in a different font titled "My Page -
6 My Opinions."

7 MS. GEHRKE: I got you.

8 MR. CHAPPELL: She said that's not hers,
9 and I hadn't gotten to the next.

10 BY MR. CHAPPELL:

11 Q. Then below that there's more text. It's
12 hard for me to know if it's different font or what,
13 but that starts with "hashtag Democrats." Did you
14 write that?

15 A. No. That went with the post.

16 Q. That came with the post. Now on what
17 is -- I'm not sure it's marked as page 2, but it's
18 the second page of Exhibit 8. At the top there is
19 text at the very top right under your name?

20 A. Uh-huh.

21 Q. You wrote that text?

22 A. I did.

23 Q. That's three lines of text. Below that is
24 a graphic, and then I'm probably not pronouncing
25 this right, Samina Shah?

1 A. Yes.

2 Q. Okay. And more text. Did you write that?

3 A. No, I did not.

4 Q. Below the Samina Shah there was three
5 lines of text. Is that your writing?

6 A. No, it is not.

7 Q. So you don't know who wrote that?

8 A. No. It would have been attached to this
9 video. It was -- this is --

10 THE ARBITRATOR: So it would have been
11 attached to the video --

12 THE WITNESS: Yes.

13 MR. CHAPPELL: Yeah.

14 THE ARBITRATOR: -- that you posted?

15 THE WITNESS: To the post.

16 MR. CHAPPELL: She was using someone --

17 BY MR. CHAPPELL:

18 Q. Well, were you using someone else's
19 video --

20 A. Yes.

21 Q. -- that you were sharing in all of these
22 videos?

23 A. Yes.

24 Q. They're not your videos?

25 A. No, they're not.

1 Q. Somehow you got ahold of them, they were
2 posted to you, and you then shared it?

3 A. Yes.

4 Q. I need you to say yes --

5 A. Yes.

6 Q. -- and not nod your head.

7 A. I'm sorry. Yes.

8 Q. In light of everything that has happened
9 since February 7 or 14, including the fact finding,
10 the termination, the step 2, what you've heard
11 yesterday and today and the reflection and
12 everything, today if you -- not that you would be
13 today, but thinking now, reflecting back on
14 everything, if you are reinstated to Southwest,
15 would you in the future send such types of videos or
16 screenshots to Southwest employees, including Union
17 officers?

18 A. No, I would not. I would not.

19 Q. Even though that you're very passionate
20 about this issue?

21 A. No, because I realize this is a mistake.
22 I realize that I need to do it in a different
23 manner, and I'm sorry for the manner that I did send
24 it through and I take full responsibility for it.

25 MR. CHAPPELL: No other questions.

1 THE ARBITRATOR: Let's take a seven-minute
2 break, get some fresh coffee and stuff like that.

3 (Recess from 9:30 to 9:49)

4 THE ARBITRATOR: We'll go back on the
5 record. And it's your turn to cross-examine this
6 witness.

7 CROSS-EXAMINATION

8 BY MS. GEHRKE:

9 Q. Ms. Carter, you testified during your
10 direct examination regarding Southwest
11 Exhibit No. 8, the Company's investigation photos
12 showing you to be in uniform with some fellow crew
13 members and your nametag and things like that. Do
14 you recall that testimony?

15 A. Yes.

16 Q. And you testified that you posted these
17 photos several years ago. We kind of went through
18 the dates. The record will speak for itself, but --

19 A. Yes.

20 Q. Okay. Did you ever delete those photos
21 from your Facebook page?

22 A. No.

23 Q. Are they still there today?

24 A. Yes.

25 Q. At the time you posted the abortion videos

1 on your public Facebook page, then your -- these
2 photos identifying you as a Southwest employee were
3 still on your Facebook page, correct?

4 A. In their albums, yes.

5 Q. And you testified that someone at the
6 Company would have had to have kind of dug deep or
7 scrolled down quite a bit in order to find these
8 photos because they were so old, right?

9 A. That is correct.

10 Q. Are you aware that on Facebook that photos
11 are actually stored on your main page in a section
12 titled "Photo Albums" and that all the photos are
13 together in one spot?

14 A. There's a little square.

15 Q. Yeah, let me show you.

16 A. Yes. But they have to search within
17 there.

18 Q. So this is your Facebook page today, is
19 it?

20 A. That's correct.

21 Q. Okay. And if you just scroll down right
22 here, see it says "Photos" and there's a bunch of
23 them?

24 A. Yeah.

25 Q. If I click on "Photos, Uploads," here's

1 every photo you've ever uploaded to Facebook all in
2 one spot. You see that?

3 A. Yes, I do.

4 Q. Okay. So it didn't take too long to find
5 them, right?

6 A. How many albums do I have?

7 Q. I'd have to look. Well, these are ones
8 that are uploaded, and then you actually could have
9 separate albums that, you know, have different ones
10 here. There's the "Live at 35." So it depends how
11 you organize them. You seem to have them pretty
12 well organized.

13 But you would agree with me then they're
14 pretty easy to find, right?

15 A. If you're on my Facebook page and you want
16 to look for them, yes.

17 THE ARBITRATOR: Did you get all that?
18 You want to just do -- okay. That's fine. I
19 thought it was a good narrative. It's the only way
20 to go through that. Okay.

21 MS. GEHRKE: And it's hard on a cold
22 record, but sometimes with technology it's easier to
23 just show it.

24 THE ARBITRATOR: I guess I'm going to have
25 to get a cell phone.

1 THE WITNESS: Can I use the technology as
2 well?

3 MS. GEHRKE: Well, not right now. I'm
4 asking you some questions.

5 THE WITNESS: Okay.

6 BY MS. GEHRKE:

7 Q. Thank you. You testified that finding out
8 that your fellow Southwest coworkers who were a part
9 of the women's committee that had gone to
10 Washington, D.C., and had attended the women's
11 march, when you found out about that and that your
12 dues money had gone to help pay for the trip, that
13 that upset you, right?

14 A. Uh-huh. Yes, it did.

15 Q. Brought back a lot of emotion?

16 A. Yes.

17 Q. And you were here yesterday when we had
18 Ms. Stone on the stand and we played the videos.

19 A. Yes.

20 Q. And did you see how upset Ms. Stone was
21 yesterday when she was watching those videos?

22 A. Yes.

23 Q. Was it upsetting for you to watch those
24 videos?

25 A. Upsetting for me to watch the videos?

1 When I watched those videos, I've seen them over and
2 over. I know what those videos stand for. Thinking
3 back to what I've done, yes, it does. Does it
4 affect me in the fact that it upset her? Yes, it
5 did.

6 Q. You testified that it's your belief that
7 the Union dues were used in order to pay for the
8 women's committee members to go on the trip to
9 Washington, D.C., correct?

10 A. That is correct.

11 Q. And you heard testimony yesterday from
12 Ms. Stone that there was a women's committee meeting
13 at the TWU International office. Did you hear that?

14 A. That is correct.

15 Q. Do you have any reason to doubt the truth
16 of that?

17 A. No.

18 Q. And you understand that the women's
19 committee is considered to be a official, bona fide
20 Union committee that the Union dues pay for?

21 A. Yes. And that was hosted on, I believe,
22 the 19th and possibly the 20th. That was before the
23 march. They were done at that committee at that
24 point.

25 Q. So they were already in town at the time

1 that the women's march was occurring on Saturday,
2 right?

3 A. They could have left on Friday, but yes,
4 they were still there.

5 Q. But the march was on a Saturday, right?

6 A. Correct, and we were still paying for
7 their lodging and their transportation on that
8 specific day.

9 Q. What transportation are you referring to?

10 A. Uber.

11 Q. How do you know that Union money was --

12 A. Because we have a --

13 Q. Hang on. Let me finish the question just
14 for the record if you don't mind.

15 How do you know that Union dues money was
16 being used to pay for the expenses on that Saturday?

17 A. Because we have a flight attendant that
18 went to the treasurer and got the list of exactly
19 what was spent for that march and listed it out.

20 Q. And who is the treasurer?

21 A. That is John Parrott.

22 Q. And is Mr. Parrott part of the recall
23 effort?

24 A. I'm not sure if his name is on the recall
25 effort.

1 Q. And who's the flight attendant that told
2 you that?

3 A. It is on our Facebook page of One Luv, and
4 it would have been Jeanna Jackson --

5 Q. Okay.

6 A. -- who posted it who actually went and
7 spoke with John Parrott and got the list and the
8 itemized -- how it was spent.

9 Q. And then you saw it on the Facebook page
10 by Ms. Jackson's post?

11 A. There was other flight attendants that had
12 gotten that information from her, because it's our,
13 you know, it was our dues that paid for it. So
14 people were passing that along to the ones that
15 wanted to know, yes. Originally she was the one who
16 put it on, which we have every right to see.

17 Q. On Facebook?

18 A. On our local -- yes, on our -- on our
19 flight attendant pages, yes, she did. She did not
20 list it on her own Facebook page, but yes, on our --
21 to show other flight attendants.

22 Q. Okay. So did you learn about it from
23 looking at it, at Ms. Jackson's post on Facebook or
24 through conversations?

25 A. On Facebook.

1 Q. Okay. So my statement is accurate that
2 then you actually have no personal knowledge about
3 how the money was spent because you haven't looked
4 at the Union books yourself, correct?

5 A. I can't go to the Union office, so, no, I
6 haven't been able to do that. But I believe John
7 Parrott, because I just saw him not too long ago at
8 the Union convention, and we discussed those
9 numbers.

10 Q. And what did Mr. Parrott tell you?

11 A. That, yes, our Union dues went to this
12 march. And he didn't itemize it for me because we
13 didn't have the opportunity to sit and he didn't
14 have his computer in front of him. But, yes, he did
15 confirm to me that those Union dues were spent.

16 Q. For the women to go to D.C. for the
17 committee meeting and the march together?

18 A. All the way through to the end that they
19 left, yes.

20 Q. And are you aware that the women committee
21 members were there on their own personal free time,
22 that they were not paid to attend the march?

23 A. Which -- repeat that again.

24 Q. I said are you aware that the women's
25 committee members who attended the march, they were

1 there on their own free time on Saturday, they were
2 not paid for that?

3 A. They were not paid by the Company as in
4 salaries or paid by the Union in salaries, yes. But
5 our Union dues paid for their lodging, their food,
6 and along with their transportation.

7 Q. Did you hear Audrey Stone's testimony
8 yesterday that in fact the women's committee members
9 who attended actually paid for their own food except
10 for the one meal provided during the meeting?

11 A. We still paid for the lodging and the
12 transportation.

13 Q. Okay. I was asking about the meals
14 because you also testified about the --

15 A. She did -- but we did pay for a meal, did
16 we not? I just said we did pay for a meal.

17 Q. During the meeting, right?

18 A. During the meeting.

19 Q. Okay. I just want the record to be clear.

20 A. I heard her say that, yes. Do I know that
21 personally as in can we itemize that? Not sure.

22 Q. Okay. You testified a lot about your kind
23 of disagreements with Union leadership and how Union
24 dues money is spent. But you are an objector,
25 correct?

1 A. Correct.

2 Q. When did you opt out of the Union?

3 A. 2013.

4 Q. Okay. And because you are an objector,
5 you no longer have the right to vote in Union
6 elections, correct?

7 A. Correct.

8 Q. And you no longer have the right to attend
9 Union meetings, correct?

10 A. Correct.

11 Q. And you no longer have the right to go to
12 committee meetings. For instance, you could not
13 have attended this women's committee meeting, right?

14 A. Correct.

15 Q. And because you opted out of the Union,
16 whatever voice you may have had as part of the
17 official voting process, you've given that up,
18 correct?

19 A. Voting process, yes.

20 Q. And you've kind of taken to Facebook and
21 other social media to express your views to kind of
22 get your voice out since you can't vote and effect
23 change. Is that right?

24 A. I still have a voice when it comes to my
25 local and how my local dues are spent because

1 that -- I still pay dues to our local. Okay? So
2 how they conduct business within the local I still
3 have a voice over.

4 Q. How do you have a voice over that?

5 A. To speak up against how they spend our
6 money or the things that they actually take and do
7 such as transportation or things that -- to go to
8 this march. I can voice my opinion still.

9 Q. Yes, and you have.

10 A. Under the Railway Labor Act I still have a
11 voice.

12 Q. Now, any -- even someone who is a member
13 of the Union who has not opted out, they also have a
14 voice in --

15 A. Yes, they do.

16 Q. -- voicing their opinion about how dues
17 money is spent, right? Is that correct?

18 A. That is correct.

19 Q. And if they don't agree with how Union
20 dues money is spent, what -- isn't the Union members
21 have to effect change primarily by voting for
22 different Union leadership? Isn't that how you kind
23 of create change is by voting them out of office?

24 A. Yes, it is, and we've done that and they
25 were removed from office.

1 Q. Right. But because you're an objector and
2 you no longer have the right to vote, it's more
3 difficult for you to effect change that way, isn't
4 it?

5 A. The -- I can always opt back in when
6 voting time comes, and I do elect to do that.

7 Q. So you opt in to vote during -- around
8 election time and then you'll opt back out?

9 A. No, I've been out since 2013. Prior to
10 that I was a member in good standing for the entire
11 time, paid my dues, went to my Union meetings, and I
12 voted. My vote twice has been overturned by some of
13 the exact same people. I testified for my first
14 Union president that was removed illegally. Now
15 it's happened again with Stacy Martin and Chris
16 Click.

17 Q. I don't want to get into all that, the
18 Union --

19 A. Okay. But my vote was taken away again,
20 and a lot of other members were upset about that.

21 Q. Okay. That's not my question.

22 A. Okay.

23 THE ARBITRATOR: Let me ask you this
24 question. We're here to determine whether or not
25 the Company had just cause to terminate this flight

1 attendant. What does this line of questions have to
2 do with that?

3 MS. GEHRKE: Well, she's -- I mean, I
4 think she's raised it as kind of her justification
5 for why she posted these videos and sent these
6 videos to Audrey. I mean, we don't think it's
7 relevant to the issue that is before you in terms of
8 just cause, but we do feel that because she's trying
9 to use that as the justification for her high level
10 of emotion for what she did, we're just trying to
11 get the point across that she chose to opt out and
12 basically take away her vote and her ability to
13 effect change. And so what she's left with is these
14 social media posts and other things that she was
15 doing to complain about how the dues money was
16 spent.

17 And so my point in kind of going down this
18 line of questioning with her is, you know, we all
19 live in a democracy. We may not agree with the
20 prior administration, the current administration.
21 We have one vote, we vote, and then we have to pay
22 taxes or we have to pay dues even if we don't agree
23 with it and our money is spent how it's spent. That
24 doesn't give us the right to, you know, send
25 threatening messages or, you know, do things that

1 otherwise break the law or violate policy.

2 THE ARBITRATOR: That's a door I really
3 don't want to open in this arbitration. I
4 understand what you're saying. What I heard her say
5 on direct was she was emotionally affected by the
6 contrasting views on pro-life and pro-choice and the
7 march. I didn't hear that much on direct about,
8 well, I'm really mad at the Union because they cut
9 me out and I can't -- so let's move on --

10 MS. GEHRKE: Okay.

11 THE ARBITRATOR: -- please. I understand
12 the countervailing tones in this case, but I'm here
13 to see whether or not there was just cause to
14 terminate this young lady, and so I want to keep it
15 to that.

16 MS. GEHRKE: Okay. Fair enough.

17 BY MS. GEHRKE:

18 Q. Ms. Carter, would you agree with me that
19 the posts that you sent to Ms. Stone violated the
20 Company's mission statement?

21 A. At the time that I posted those videos, I
22 would have never dreamed that my company, first of
23 all --

24 Q. That wasn't my question.

25 A. Okay. What's your question?

1 Q. My question is, would you agree with me
2 that the messages you sent to Ms. Stone through the
3 Facebook Messenger with the abortion videos and the
4 vagina headdress photo, would you agree with me that
5 that violates the Company's mission statement?

6 A. When I sent those videos to her, I would
7 have never thought that that violated my right to
8 speak to my Union president, no, I didn't, because
9 this was directed to the Union and then my Union
10 president. I have also sent to her other things
11 through e-mail as well.

12 Q. Okay. My question is really a yes or no.
13 And I think you're saying you don't think that your
14 conduct in sending those videos to Ms. Stone
15 violated the Company's mission statement. Is that
16 your testimony?

17 A. There's kind of a double-edged sword here.
18 This was Union business. If it had -- this was
19 Union business. I thought that it was okay to still
20 communicate with my Union president. This would
21 just be like e-mail. To me that's what it was like.

22 Q. Okay. Would you agree with me that
23 Ms. Stone, despite her title as the Union president,
24 she's still a Southwest employee, right?

25 A. She is a Southwest Airlines employee, but

1 my dues pay her salary.

2 Q. Okay. I'm not asking --

3 A. Okay.

4 Q. Just listen to my question, please. Okay?

5 A. Okay.

6 Q. So she's still a Southwest employee,
7 right?

8 A. Yes.

9 Q. And she is still expected to abide by
10 Southwest Airlines' policies and procedures,
11 correct?

12 A. I believe so.

13 Q. And she's still entitled to protections of
14 Southwest policies and procedures. Isn't that
15 right?

16 A. There's a fine line there. Yes, she is
17 still protected, but she is also my Union president.

18 Q. Okay. I understand her position. You
19 don't need to keep telling me she's the Union
20 president. We all know she's the Union president.
21 Okay?

22 A. Okay.

23 Q. So take a look at Exhibit -- Joint
24 Exhibit 3, please. I think it may be in your pile.
25 If not, I can share a copy.

1 MR. CHAPPELL: Is that read before you
2 fly?

3 THE ARBITRATOR: Here it is.

4 MR. CHAPPELL: Or no, joint exhibit. I'm
5 sorry.

6 MS. GEHRKE: Yes.

7 MR. CHAPPELL: I'm in the wrong pile.

8 BY MS. GEHRKE:

9 Q. Okay. If you look at the last sentence in
10 the second paragraph, says, "Employees will be
11 provided the same concern, care, and -- respect, and
12 caring attitude within the organization that they
13 are expected to share externally with every
14 Southwest Customer."

15 Do you think you treated Ms. Stone with
16 the same concern, respect, and caring attitude that
17 you are supposed to treat every other Southwest
18 employee?

19 A. Her personally, I believe that, yes. This
20 was a Union matter, and I believe that it was a
21 Union matter. It was not directed to her
22 personally.

23 Q. Okay. Ms. Stone is one person. She may
24 wear two hats as the Union president and employee,
25 but she's a single person, so --

1 A. Correct.

2 Q. I understand you're trying to characterize
3 this as a Union issue. We obviously disagree with
4 that, so I don't need the qualifications every time
5 about it. My question is just, did you treat her
6 with the same concern, respect, and caring attitude?

7 MR. CHAPPELL: Objection. Asked and
8 answered. I think the answer's been given
9 repeatedly.

10 THE ARBITRATOR: I don't believe it's been
11 answered. Let's try one more time.

12 MR. CHAPPELL: Okay.

13 THE ARBITRATOR: And then we'll move on.

14 A. Under this policy, I believe I treated her
15 with respect as my Union president. As a person and
16 as a woman, as -- regarding this women's march --
17 let me -- let me -- she treated me with just as much
18 respect as an employee wearing the pink pussy hats
19 representing me at a women's march as I did with
20 sending her my dislike for that.

21 So what I would hope is that she would
22 have taken her responsibility and her oath that she
23 took as the president of the Union and addressed
24 that with me personally instead of taking it to the
25 Company, okay, under these policies. I would have

1 been more than happy to have a discussion with her.

2 BY MS. GEHRKE:

3 Q. Do you think your messages to her invited
4 a friendly dialogue?

5 A. Do you think that going to a women's march
6 and taking my money --

7 Q. You're not asking me questions. I'm
8 asking you questions.

9 THE ARBITRATOR: It is getting a little
10 bit argumentative.

11 THE WITNESS: Okay.

12 THE ARBITRATOR: I think I get it. The
13 effect of her answer is maybe not, but she didn't
14 treat me that way either.

15 THE WITNESS: Yes, that is correct.

16 THE ARBITRATOR: Let's move on.

17 MS. GEHRKE: All right.

18 BY MS. GEHRKE:

19 Q. Ms. Carter, are you familiar with
20 Southwest's sexual harassment policy?

21 A. Yes, I am.

22 Q. And you acknowledged receiving that
23 policy, correct?

24 A. That is correct.

25 Q. That's Joint Exhibit No. 5. If you could

1 take a look at that. That should be in your pile.

2 If you look at the top of the second
3 paragraph, it says, "Examples of types of
4 derogatory, sexually suggestive, offensive,
5 threatening, intimidating, hostile, or retaliatory
6 conduct that are prohibited." Do you see that?

7 A. Uh-huh, I do.

8 Q. And then the fourth bullet point down, it
9 says, "Displaying or forwarding messages, photos,
10 graffiti, pictures, cartoons, drawings, social media
11 posts, or online comments including displaying such
12 content at one's own work area, computer, or mobile
13 device." Do you see that?

14 A. Yes, I do.

15 Q. Okay. If you look at Southwest Company
16 Exhibit No. 7, the last page is what we're referring
17 to as the vagina headdress photo that you sent
18 Ms. Stone on private Facebook Messenger.

19 Would you agree with me that sending this
20 picture to Ms. -- and post to Ms. Stone violated the
21 Company's sexual harassment policy, particularly the
22 fourth bullet point I just read to you?

23 A. Again, she took it upon herself to go to a
24 march. She saw all of this while she was there. So
25 if she's so offended --

1 Q. All of what?

2 A. -- and sexually -- women were dressed like
3 this at the women's march. Would you like me to
4 show you a video of all the different things that
5 she probably came against?

6 If she's a woman like I'm a woman, she
7 would have never subjected herself to that if she
8 thought that that was disparaging. And these women
9 dressed like this at that march. She saw them,
10 guarantee it.

11 Q. Okay.

12 A. They were everywhere. Yes, is this a --
13 is this a not-so-nice post to send to her? I didn't
14 send it to her. I sent it to the Union. She's our
15 president. She saw this at the march, guarantee it.

16 If she subjected herself to that at the
17 march, how could it be any different at this
18 particular moment in time that she's also admitted
19 to going to it and I know we paid for it? I know
20 that these women were dressed like this and they
21 were wearing pink pussy hats, sat around a table and
22 made those pink pussy hats to wear. Where does this
23 cross the line then in sexual harassment? Where was
24 it for me?

25 THE ARBITRATOR: Her answer's no.

1 A. No.

2 MS. GEHRKE: I kind of get it.

3 THE WITNESS: But I wanted to make sure
4 that --

5 THE ARBITRATOR: No, I understand. I'm
6 not making little of your feelings.

7 BY MS. GEHRKE:

8 Q. Let's talk about the -- have you ever
9 filed a complaint of harassment against another
10 employee?

11 A. Have I ever filed a complaint of
12 harassment?

13 Q. Yes.

14 A. The only person that I would know of would
15 be Brian Talburt, and he told all of us as
16 opter-outers along with one other person that if
17 he -- if they could do one execution, and also back
18 messaged me and also put on another Facebook page
19 that I should not have any, any Union involvement
20 and that he would make sure that I had -- this is
21 when I was a member.

22 Q. If you look at --

23 A. That's the only person I have ever written
24 up.

25 Q. All right. Let's look at that Southwest

1 Exhibit 14. That's the step 2 documentation you
2 submitted to Mr. Sims.

3 A. Okay. I don't know what page you're on.

4 MR. CHAPPELL: She's going to probably
5 direct you to a page.

6 BY MS. GEHRKE:

7 Q. 134. Okay. Do you recognize this
8 document?

9 A. Uh-huh, I sure do.

10 Q. Okay. And this is the complaint against
11 Brian Talburt that you made?

12 A. Correct.

13 Q. Okay. And you were complaining that he
14 was harassing you on social media? Is that right?

15 A. He was calling my name out with all of the
16 other flight attendants, yes, he was. This was not
17 a private message. This was out in --

18 Q. In the public posts?

19 A. -- public, yes.

20 Q. You state, "He has crossed many thresholds
21 with his continued verbal attacks towards me and
22 others, and he's created a hostile work environment.
23 No employee should feel intimidated or frightened
24 from another coworker, period." Do you see that
25 sentence?

1 A. Yes. And he also said he wanted to
2 execute people. There's a difference when it comes
3 to showing pictures of babies being killed and
4 someone saying they want to execute you, especially
5 after 9/11.

6 THE ARBITRATOR: Time out. Let's listen
7 to her question and answer her question.

8 THE WITNESS: Okay.

9 THE ARBITRATOR: Okay?

10 BY MS. GEHRKE:

11 Q. All right. And then you quote the
12 Guidelines for Employees workbook. Is that the
13 flight attendant work rules, or what were you
14 quoting there in blue?

15 A. It says, "Employees are responsible for
16 maintaining a positive working environment free of
17 discrimination and harassmt and free hos -- and
18 free of hostile, threatening, or intimidating
19 behavior. Any occurrence or apparent occurrence or
20 (sic) discrimination, harassmt, intimidation
21 should be reported immediately by the employee to
22 his or her supervisor, employee relations, the
23 general counsel office, or any senior leader. All
24 complaints will be investigated, and appropriate,
25 responsive action will be taken. Violation of this

1 policy may result in corrective action, up to and
2 including termination."

3 Q. Okay. So my question was -- thank you for
4 reading it, but what were you quoting there? Was
5 that the flight attendant work --

6 A. That was the policies at that time, yes,
7 it was.

8 Q. The harassment policy?

9 A. Yes. And he clearly did that through
10 social media in a work group Facebook post out in
11 the open.

12 Q. And Brian Talburt was what you considered
13 to be a Union supporter?

14 A. Oh, he's a big Union supporter, yes, but I
15 didn't know that at the time.

16 Q. And are you aware that Brian Talburt has
17 been terminated at least once for his social media
18 violations?

19 A. And brought back very quickly by the
20 Company, yes.

21 Q. That wasn't my question.

22 A. Yes.

23 Q. He has been terminated, right?

24 A. Yes.

25 Q. All right.

1 A. I believe twice. Is that correct?

2 MS. GEHRKE: I'm not going to answer.

3 THE ARBITRATOR: I don't think you get to
4 ask her questions.

5 A. Okay. Well, I believe it's twice because
6 that's what I had talked to Mike Sims about.

7 BY MS. GEHRKE:

8 Q. We had testimony yesterday from
9 Ms. Emlet -- I think you were present -- regarding
10 your electronic acknowledgments of the Company's
11 harassment, discrimination, social media, workplace
12 bullying and hazing policy.

13 A. Uh-huh.

14 Q. Do you remember that testimony from
15 Ms. Emlet?

16 A. I do.

17 Q. And that's Company Exhibit 1 and 2. Would
18 you agree that you had received all of these
19 policies prior to your termination?

20 A. That I received those policies?

21 Q. Well, that you acknowledged your access
22 and agreeing to abide by those policies?

23 A. Yes. And you cannot get online to do
24 anything until you have clicked that. We don't have
25 an option. I mean, it comes up and you have to

1 click it to be able to go to work.

2 Q. Okay. Good. And are you also expected to
3 read the read before fly --

4 THE ARBITRATOR: The question was, did you
5 receive and were you aware of those policies before
6 your termination?

7 A. Was I -- no, I didn't receive any of those
8 policies before I -- when we -- okay. The Company
9 on -- I don't know how often they do it, but -- and
10 it's funny because our pilots don't have to do this,
11 our Union.

12 That right there, you can't even bid
13 unless you click. You can't get back into SWALife
14 at all. You can't fly a trip. It's a mandatory
15 thing. It's not something that you get to go in
16 there and just, you know, read the stuff.

17 Most flight attendants, and I'm going to
18 be really honest, click that and go on to their
19 business. It is not something that is discussed,
20 you know, very much at all during the work group at
21 all. I mean, as in there's not a class that we go
22 to. You sit there, you read it, and you click on
23 it. Most people are going to sit there, skim it,
24 click it, and go.

25 BY MS. GEHRKE:

1 Q. Okay. I'm just trying to establish that
2 you were aware that the Company had these policies.
3 You obviously --

4 A. Yes.

5 Q. -- have utilized it at least once.

6 A. Yes. And they change all the time, yes.

7 Q. Okay. But you had access to them, you
8 clicked it agreeing that you had obtained the
9 policy --

10 A. Correct.

11 Q. -- and would abide by it, right?

12 A. Correct.

13 Q. There's no dispute about that?

14 A. No.

15 Q. Okay. I'll move on. And same thing with
16 the read before flies. You were expected to read
17 those before you took any trips, correct?

18 A. Correct.

19 Q. Yesterday we had testimony regarding
20 Southwest Exhibit No. 9. Ms. Stone testified that
21 this was a compilation of the messages that you had
22 sent her over the last couple of years on Facebook
23 Messenger. Do you recall that?

24 A. That is correct, yes.

25 Q. And do you admit sending Ms. Stone all of

1 these messages in Southwest Exhibit 9?

2 A. Our Union president, Ms. Stone, yes.

3 Q. Did Ms. Stone ever respond to you on
4 Facebook Messenger when you would send her these
5 messages?

6 A. Not only did she not respond to me on
7 those, but every time that I'd e-mail she never
8 responded to my e-mails.

9 Q. Did you ever try to leave Ms. Stone a
10 voice mail on her personal mailbox, cell phone, or
11 at her Union office?

12 A. I don't have her cell phone. And yes, I
13 have called the Union in the past. Most times --

14 Q. My question was whether you left her a
15 voice mail.

16 A. No, I did not leave her a voice mail, did
17 not.

18 Q. There was some discussion, testimony
19 yesterday as to whether or not the Facebook videos
20 that you sent Ms. Stone were graphic. Do you
21 remember that?

22 A. Repeat that, please?

23 Q. There was some discussion or testimony
24 yesterday regarding whether or not the videos that
25 you sent Ms. Stone were graphic. Do you remember

1 that?

2 A. I -- yes, I do remember that, yes.

3 Q. Would you agree that both of the abortion
4 videos that you sent to Ms. Stone were graphic?

5 A. I'm not going to call them graphic. I
6 think they're -- I think they speak for themselves.
7 They are -- it's real life.

8 Q. Okay. If you could look at Company
9 Exhibit No. 8 real quick. It's this one, the public
10 Facebook posts.

11 MR. CHAPPELL: You said 8, correct?

12 A. Company?

13 MS. GEHRKE: Yes.

14 BY MS. GEHRKE:

15 Q. All right. These were the --

16 A. Those are on my personal page.

17 Q. Yes. And your personal Facebook page, you
18 don't have it set with -- you're aware Facebook has
19 different privacy settings that you can do, correct?

20 A. I do now, yes.

21 Q. Okay. But it looks like your personal
22 page is pretty much open to the public. You don't
23 have it limited to people who are friends or friends
24 of friends. Is that right?

25 A. No.

1 Q. Okay. So everything that you put on your
2 personal Facebook page is open to the public if they
3 were to Google you or --

4 A. Along with all the other people, yes.

5 Q. Okay. So on your public Facebook page on
6 Company Exhibit 8, the first abortion video that you
7 posted, you testified that this text up here at the
8 top was something that you wrote --

9 A. That is correct.

10 Q. -- when you shared the video, correct?

11 A. Yeah.

12 Q. Okay. And it says, "Warning, this is very
13 graphic. I want my tax dollars to stop funding
14 this, period. This is murder." You wrote that.

15 A. I did.

16 Q. Okay. So at the time you wrote this, you
17 thought the video was graphic.

18 A. For my Facebook page, yes.

19 Q. Okay. And did you put a similar warning
20 on the private messages that you sent to Ms. Stone?

21 A. I don't know.

22 Q. All right. Let's take a look. That would
23 be --

24 A. The reason that I put this is because my
25 friends who have kids would have read that. And

1 it's --

2 THE ARBITRATOR: The question was, was
3 there a similar warning on the one you sent to
4 Ms. Stone?

5 MR. CHAPPELL: And those are Exhibit 7,
6 Southwest Exhibit 7.

7 MS. GEHRKE: That's correct.

8 THE WITNESS: I don't have the other one.
9 Oh, here's the other one.

10 MS. GEHRKE: No, that's not the other one.
11 This one.

12 MR. CHAPPELL: Look at Exhibit 7. That's
13 the one she's asking you about.

14 BY MS. GEHRKE:

15 Q. I'm having you compare 7 to 8.

16 A. No, but I --

17 Q. In 8 you gave a warning. On the messages
18 to Ms. Stone, you did not, correct?

19 A. If she went to the march, that's what she
20 supported. No.

21 MR. CHAPPELL: Just answer the question.
22 I'm sorry. I shouldn't have --

23 A. No, I did not. I did not put --

24 BY MS. GEHRKE:

25 Q. Okay. Thank you.

1 A. -- "Graphic."

2 Q. And on the second Facebook public post
3 with the second video --

4 A. Yes.

5 Q. -- page 2 of Exhibit 8, you similarly said
6 that this video was graphic, correct?

7 A. Uh-huh, I did.

8 Q. "But it needs to be shared over and over,
9 this is murder, so for all of you that are
10 pro-abortion, God help you."

11 If you look at Exhibit 7, page 3, that's
12 the same video that you sent to Ms. Stone, correct?

13 A. No, I did not.

14 Q. No, my question was, you sent the same
15 video to Ms. Stone?

16 A. Oh, yes, I did.

17 Q. Okay. But you did not put a warning on
18 your -- the message to Ms. Stone, correct?

19 A. Yeah, that's correct. That's what I
20 thought you asked.

21 Q. Thank you. I was getting there. You're
22 just ahead of me.

23 A. Well, I think you had asked it before, so
24 I was just answering it.

25 Q. I want to ask you a little bit about --

1 did I understand you correctly that this section on
2 Southwest Exhibit 7, the text below the "My Page -
3 My Opinions," that reads, "Did you know this ...
4 Hmmm, seems a little counterproductive, don't you
5 think ... you are nothing but a sheep in wolves
6 clothing or you are just so un-educated you have no
7 clue -- not clue who or what you are marching for.
8 Either way you should not be using our dues to have
9 marched in this despicable show of trash." You
10 wrote that?

11 A. I did.

12 Q. Okay. And that was to Ms. Stone?

13 A. It was to my president of Southwest
14 Airlines flight attendants, yes, for them going to
15 the march. It was. It was not to her personally.
16 She's the leader of our Union.

17 Q. Are you friends with other Southwest
18 employees on Facebook?

19 A. I am.

20 Q. In the -- back to Southwest Exhibit No. 9
21 and the packet of messages that you had sent to
22 Audrey on Facebook Messenger. If you turn to page
23 48. They're numbered at the bottom there for your
24 reference. Are you with me?

25 A. Uh-huh.

1 Q. Okay. There's a kind of grayed-out square
2 on the bottom, and it looks like you're talking
3 about Hillary Clinton. And this was a message you
4 sent to Audrey, correct?

5 A. Uh-huh.

6 Q. Okay. And it says, "You are as corrupt
7 and evil as she is." Were you referring to "she" as
8 Hillary Clinton? You're comparing Audrey to Hillary
9 Clinton?

10 A. At this particular message, she had sent
11 me the propaganda to vote for Hillary Clinton in my
12 e-mail, and then also it was sent on the 556 web
13 page. They were telling us who to vote for.

14 And, yes, I don't believe -- I mean, I
15 can -- I'm sorry, but if she's going to send me who
16 to vote for, I do think that's a little evil. I
17 think we all have our own voices and we shouldn't be
18 told who to vote for. And, no, I do not support
19 Hillary Clinton. She has her opinions. I have
20 mine.

21 Q. You just testified that Audrey sent you
22 e-mails. Was that TWU International who sent you
23 e-mails about the presidential election?

24 A. Yes, with her name attached to it.

25 Q. Audrey's name was attached to it?

1 A. Yes.

2 Q. Was it a private message that she sent to
3 you, or was it like it autogenerated that was sent
4 to the entire membership?

5 A. They've used both. They've used not only
6 Messenger but they've used Facebook and they have
7 used e-mail.

8 Q. My question though was, did Audrey send
9 you a personal, addressed-only-to-you message about
10 the election, or was -- did you receive kind of the
11 call it the election advertisements that all the
12 Union members were receiving?

13 A. We all get them.

14 Q. But your response to receiving kind of the
15 general Union election materials was to send this
16 message to Audrey?

17 A. Do you know why? Because I've asked
18 them --

19 Q. I just want a yes or no.

20 A. Yes.

21 Q. Thank you.

22 A. I've asked them to stop sending me these
23 things.

24 Q. I don't have a question pending. Thank
25 you. I'm not here to fight with you. I'm really

1 not.

2 A. I know. I know that.

3 Q. I'm just trying to ask you some questions.

4 A. I'm just not sure why the Company got into
5 Union business.

6 MS. GEHRKE: I move to strike that. I
7 know you heard it.

8 THE ARBITRATOR: I didn't hear anything.

9 BY MS. GEHRKE:

10 Q. Do you recall calling Ms. Stone morally
11 bankrupt in these messages that you sent to her on
12 private Facebook Messenger?

13 A. No. And probably the reason why is none
14 of this was discussed in my fact finding meeting nor
15 in my second step meeting. The only things that we
16 discussed were these videos.

17 MR. CHAPPELL: And I'm going to object if
18 we keep going here. This seems far afield for
19 cross-examination from her direct testimony unless
20 she's trying to impeach her testimony or something,
21 but these matters that she just said was not part of
22 either her or what she was told she was being
23 discharged for.

24 THE ARBITRATOR: Well, part of the problem
25 is it's such a politically charged subject that

1 she's never going to get her to agree, so we're
2 spinning our wheels.

3 What I think I would rather do is read
4 that exhibit in its entirety and draw my own
5 conclusions.

6 MS. GEHRKE: Fair enough. All right.

7 THE ARBITRATOR: Deal?

8 MR. CHAPPELL: That's perfectly fine.
9 It's certainly in the record. It speaks for itself.

10 MS. GEHRKE: Yeah.

11 MR. CHAPPELL: And you get to tell us how
12 you --

13 THE WITNESS: Yeah, that's fine.

14 MR. CHAPPELL: -- interpret that speech.

15 BY MS. GEHRKE:

16 Q. All right. You testified about the pink
17 lights on the Southwest planes and how you felt that
18 was inappropriate and even some customers may have
19 been upset or whatever.

20 Did all -- do you know if that was a
21 Company-wide initiative to put all the planes in
22 pink lights to support the women's march, or was
23 that just a couple flight attendants who did it on
24 their own accord and may have actually been
25 disciplined for that?

1 A. Honestly, I do not know that particular
2 answer, but I do know how they responded to it.

3 THE ARBITRATOR: Okay. That's a good
4 answer.

5 MS. GEHRKE: Okay. Can we mark this as
6 Southwest Exhibit 15, please.

7 (Company Exhibit 15 marked)

8 BY MS. GEHRKE:

9 Q. Ms. Carter, do you recall receiving this
10 memo from Mr. Sims regarding political activity
11 surrounding the inauguration?

12 A. To be quite honest with you, I saw some of
13 this, yes. I don't -- I can't say as if I read the
14 whole thing, but I did see all the other things that
15 were posted in the media, yes, yes.

16 Q. Okay. So Southwest was trying to maintain
17 some kind of neutrality, it appears, from all the
18 politics around the inauguration. Would you agree?

19 MR. CHAPPELL: I think the document -- are
20 you asking her opinion of what the document says?

21 MS. GEHRKE: Yeah.

22 THE ARBITRATOR: That's what she was
23 testifying. Do you want to ask her a question?

24 MR. CHAPPELL: That's why I was objecting.

25 MS. GEHRKE: Never mind. It speaks

1 for itself. You can figure it out.

2 MR. CHAPPELL: Well, I'm not sure this
3 goes to the cross either. I'm objecting.

4 MS. GEHRKE: Well, she testified about the
5 planes and the Company taking a position and that
6 whole thing.

7 THE ARBITRATOR: Yeah, I think it's
8 relevant.

9 MR. CHAPPELL: So it's not admitted?

10 THE ARBITRATOR: Sir?

11 MS. GEHRKE: Did you say irrelevant or
12 relevant?

13 THE ARBITRATOR: No, it is relevant to the
14 issue, and I'll admit it and accord it what weight
15 it's entitled to.

16 MS. GEHRKE: Thank you.

17 THE WITNESS: There was a couple of other
18 statements as well. It wasn't just Mike Sims.

19 MR. CHAPPELL: And they are in the record
20 already. I will point them out, the other
21 statements.

22 THE WITNESS: Yeah, they are.

23 MR. CHAPPELL: And when you read, you'll
24 come across them and you'll give them the weight you
25 wish.

1 BY MS. GEHRKE:

2 Q. I want to ask you a few follow-up
3 questions regarding your testimony about the step 2
4 meeting with Mr. Sims. You provided him the packet
5 of materials which is Southwest Exhibit 14, correct?

6 A. Correct.

7 Q. And you asked him to give you your job
8 back, right?

9 A. Correct.

10 Q. And did you feel like Mr. Sims gave you a
11 fair opportunity to present your case during the
12 step 2 hearing?

13 A. Mr. Sims was amazing. Yes, he did give me
14 a fair -- fair hearing.

15 Q. Okay. And do you recall telling Mr. Sims
16 that this is nothing against the Company, this is
17 between you and the Union, you and Audrey, something
18 to that effect?

19 A. Yes. And that's why I didn't understand
20 why the Company was getting involved in it. They've
21 never stepped in Union business before. There's a
22 line that's supposed to be drawn between the two.

23 Q. You were here yesterday when Ms. Stone
24 testified regarding how she kind of debated in her
25 own mind whether or not she wanted to report the

1 videos?

2 A. I did hear that, but she also took an oath
3 too. And if I took an oath to protect somebody, I
4 would have never done this.

5 Q. Did you hear the testimony where she has
6 said that she understood if she reported it that the
7 Company would have to do something in terms of
8 investigating and figuring out if any violation of
9 policy had occurred?

10 A. You know what? I don't know how all that
11 works. All I know is that when other presidents
12 have gone to the Company, the Company has told them
13 this is Union business. And I've got two people
14 that I know for a fact --

15 Q. That wasn't my question.

16 A. Okay.

17 Q. My question is, the Company has a duty to
18 investigate once a complaint is made, right?

19 A. Into Union business?

20 Q. A harassment complaint or violation of
21 social media, bullying and hazing. If those types
22 of complaints are made, the Company --

23 A. If they felt it necessary to go and
24 actually take Union business, then that was their
25 decision, yes. I was not harassing a flight

1 attendant. This was all Union business, and this
2 had to do with Union dues being spent. This had
3 nothing to do with personal, anything harassing
4 towards a person.

5 It was my Union who took it upon
6 themselves to represent me. And if they felt that
7 they needed to take this kind of action, okay. You
8 know, I've already apologized. I am sorry. I wish
9 that I could have -- I wish I could take it back,
10 yes, I do. Did I hurt Audrey? I am sorry if I did.
11 I really am. I'm not that kind of person. I made a
12 mistake. I am willing to correct that, and I would
13 love to sit down with my Union president.

14 But this really and truly, the Company
15 probably -- we probably should have sat down as Mike
16 Sims, Audrey, and me and been able to discuss that.
17 That should have been the way it is instead of
18 turning people in and hurting their careers and
19 hurting their livelihoods. I would have never done
20 this to Audrey.

21 Q. Did you ever ask Audrey to sit down with
22 the two of you or with Mike Sims to have a dialogue?

23 A. By that point when I went to my second
24 step meeting, I was told not to contact anybody.

25 Q. I'm not limiting it to after that.

1 A. No, I didn't, I didn't, and that's my
2 mistake. And like I said, I take full
3 responsibility of that.

4 Q. All right. I want to ask you a little bit
5 about back to the step 2. Mr. Sims testified
6 yesterday that even though he felt that there was
7 just cause to terminate, he decided for practical
8 reasons to offer you reinstatement. And you
9 received an offer of reinstatement, correct?

10 A. I did.

11 Q. And you turned that offer down, correct?

12 A. Yes, I did.

13 Q. Okay. Why did you turn it down?

14 A. There are too many provisions within this.
15 And I'm not even sure where it's at.

16 Where is it, Milton, the --

17 Q. Well, I'm not asking about the particular
18 document. Just, you know, from your own --

19 A. First of all --

20 Q. -- recollection, why did you turn it down?

21 A. -- it silences my voice.

22 Q. How does it silence your voice?

23 A. Because I would never be able to talk
24 about what has happened and hopefully help other
25 flight attendants --

1 Q. Because of --

2 A. -- to not do this.

3 Q. Because of the restrictions of the content
4 you could put on social media?

5 A. It -- I wasn't supposed to speak about any
6 of it. It's not just this --

7 THE ARBITRATOR: Are you talking about the
8 confidentiality provision?

9 THE WITNESS: Yes, yes.

10 BY MS. GEHRKE:

11 Q. So the terms of the settlement would have
12 been confidential? Is that what you're saying?

13 A. No. I don't mind that the terms are
14 confidential except the fact that you can't go out
15 and speak about what happened to you so that you can
16 actually talk to other flight attendants and say
17 this is -- and get the word out.

18 There's so many provisions in there as
19 well. I don't think personally, okay, this is just
20 me, I don't think that termination, first of all,
21 fit the punishment. I've never been in trouble at
22 Southwest.

23 Q. Okay. My question is just why you turned
24 down the last chance agreement, if there was certain
25 terms in it that --

1 A. Yes. There was a 24-month letter that was
2 supposed to be put in my file. Basically if I
3 sneezed wrong on the airplane, I would have been
4 terminated. It obviously goes against our CBA.
5 The --

6 Q. What do you mean by that?

7 A. The 18-month -- because they can only go
8 up to 18 months, and they were wanting to put a
9 24-month letter in my file.

10 Q. Did you ever go back to the Company and
11 ask them to reduce the 24 months to 18 months?

12 A. Talked to Becky Parker, who was the
13 grievance lady that took care of the settlement part
14 of it, and she said that was the best we were going
15 to get.

16 Q. Did you ever contact the Company directly
17 or just Ms. Parker?

18 A. No, because everything was settled through
19 my grievance person.

20 MS. GEHRKE: Okay.

21 MR. CHAPPELL: I'm going to object to any
22 more questions here. This is a confidential
23 settlement. I know that she rejected it. You know
24 she rejected it. But to get into all the pros and
25 cons --

1 THE ARBITRATOR: I don't know that it
2 helps me in my decision-making process to realize
3 why it is she didn't accept a last-chance letter.

4 MR. CHAPPELL: That's kind of my point.

5 MS. GEHRKE: I just wanted to ask her why
6 she didn't take it.

7 THE WITNESS: There's also been other --

8 THE ARBITRATOR: Okay. We're through with
9 that.

10 THE WITNESS: That's fine.

11 BY MS. GEHRKE:

12 Q. I just have a couple more questions.
13 Ms. Carter, you testified that you're pro-life and
14 you're a Christian woman and you recognize that
15 maybe you over -- you know, we all make mistakes in
16 life and that the fact of your history kind of has
17 affected you a lot in how you reacted to the women's
18 march and your interactions with Ms. Stone, right?

19 THE ARBITRATOR: Did you answer that?

20 A. As my Union president, yes, it does.

21 BY MS. GEHRKE:

22 Q. Are you familiar what they call the golden
23 rule at Southwest Airlines?

24 A. I sure am. Herb Kelleher came up with it.

25 Q. Okay. And what is the golden rule?

1 A. It means treat each other with respect,
2 treat others as you would want to be treated.

3 Q. Okay. And did you follow the golden rule
4 with respect to how you treated Ms. Stone?

5 A. Going back to the women's march, I could
6 say the same to her as my Union president. Did she
7 treat us with respect by wearing pink pussy hats and
8 marching with Planned Parenthood, that the ones that
9 actually feel the way that we do and reached out to
10 us? No, she didn't.

11 And I do apologize for the way that I
12 responded to it. I wish I could take it back. And
13 if I could have a conversation with her and with
14 Mike Sims, I would love to and apologize to her.
15 And maybe we could start a dialogue, a real good
16 dialogue, because, yes, I do make mistakes, and that
17 is what I did. And I do apologize for it, and I
18 take full responsibility of it.

19 Q. I just have one final question for you.
20 If Ms. Stone had sent you the videos that you had
21 sent her, particularly given your history, would you
22 have been offended by that?

23 A. No, I would have reached out to her. And
24 I told that to my base manager and I also told that
25 to Mike Sims. I would have wanted to know was there

1 something more that I could do to help that person.
2 I would have reached out. As a good leader, I would
3 have reached out especially. But as a woman, yeah,
4 I would have reached out to her and why was she so
5 upset and so angry and hurt. I would have. So
6 that -- yes, I would have.

7 As a matter of fact, if this has happened
8 to her, I would reach out to her as well.

9 MS. GEHRKE: Nothing further.

10 MR. CHAPPELL: I have just I think one
11 quick re -- whatever I'm at. Is it redirect? I
12 think it is. I'm sorry.

13 THE ARBITRATOR: I think it is redirect.

14 REDIRECT EXAMINATION

15 BY MR. CHAPPELL:

16 Q. Ms. Carter, you were asked to look at page
17 134 on Southwest Exhibit 14 which is the documents
18 you submitted at the step 2, to look at a harassment
19 complaint that you had charged against a
20 Mr. Talburt.

21 A. That is correct.

22 Q. Okay. And we have testimony about that.
23 And my -- and the complaint and what you read on
24 page 134 talked about a threat of execution being
25 used against you and things like that that had

1 appeared on social media.

2 A. Right.

3 Q. So my question is, if we look at page 136,
4 is that the social media post that you were
5 referencing on page 134?

6 A. Yes. Brian Talburt posted, "Holly is a
7 fine and dandy" -- wait. "Holly, it is fine and
8 dandy not to want to turn them in. However, think
9 of all the damage they have done to so many. Ray
10 among many others. We need one public execution to
11 stop. They are not warriors. They are pussies, and
12 certainly you have seen Hoffucker in action, for
13 example. One execution and we will never hear from
14 them again. This I truly believe."

15 Q. Do you know what the reference to
16 Hoffucker -- and it's spelled like you think. Do
17 you know what that was, who that was, if it was
18 someone?

19 A. Yes, that is Greg Hofer, and he is one of
20 the people that opted out along with me and others
21 after they removed our executive board --

22 Q. Okay.

23 A. -- that we voted in.

24 Q. And then my only other question, in
25 reference to the letter that is 134 talking about

1 social media that you were complaining, some more
2 social media of Brian Talburt is also shown on page
3 137 and --

4 A. Correct.

5 Q. -- 138, correct?

6 A. Yes. And this is actually --

7 Q. That's all.

8 A. Okay.

9 Q. Thank you.

10 A. Okay.

11 Q. Because the arbitrator said he's going to
12 read it and make his own decisions.

13 A. Okay.

14 Q. So we don't have to take the time. I just
15 wanted to establish the full -- and that the
16 appending screenshots were also in the record.

17 A. And that was public. It wasn't private.

18 MR. CHAPPELL: I have no further
19 questions.

20 MS. GEHRKE: Okay.

21 THE ARBITRATOR: All right. Off the
22 record now.

23 (Recess from 10:49 to 11:08)

24 THE ARBITRATOR: Would you tell this young
25 lady what your full name is.

1 THE WITNESS: Jeanna Jackson. It's
2 J-E-A-N-N-A, Jackson.

3 THE ARBITRATOR: I would be the
4 arbitrator. My name's Bill Lemons.

5 THE WITNESS: Yes, sir.

6 THE ARBITRATOR: It's a pleasure to have
7 you here. Would you raise your right hand, please.

8 Do you swear that the testimony you're
9 about to give in this arbitration shall be the
10 truth?

11 THE WITNESS: I do.

12 THE ARBITRATOR: Thank you. Your witness.

13 JEANNA JACKSON,
14 having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. JENNINGS:

17 Q. Hi, Jeanna.

18 A. Hello.

19 Q. Where do you work?

20 A. Southwest Airlines.

21 Q. What's your position there?

22 A. I'm a flight attendant.

23 Q. How long have you worked for Southwest?

24 A. Just started my 31st year in August of
25 this year.

1 Q. Are you aware that Southwest has various
2 policies regarding social media and workplace
3 violence?

4 A. Yes, I am.

5 Q. And what is your understanding of those
6 policies?

7 A. We're not supposed to post anything that's
8 negative or makes Southwest in a bad light, nothing
9 negative about Southwest that could be misconstrued.
10 They've changed it a couple of times. We're not
11 supposed to mention other employees or be rude or
12 harassing or can't say anything negative about
13 anybody even if it's true or not. You're not
14 supposed to spread rumors and misinformation. You
15 can't be bullying or threatening or harassing or
16 retaliatory. I think that's the keyword.

17 Q. And is there -- are flight attendants able
18 to report each other to Southwest over violations?

19 A. Yes, they're able to.

20 (Grievant's Exhibit CC-5 marked)

21 Q. Please describe what I just handed to you.

22 A. This is an e-mail I sent to Julie O'Grady
23 and Deborah Edwards. Julie I believe is in labor
24 relations, and Deborah Edwards is the Phoenix base
25 manager, inflight. This is --

1 Q. So are those both Southwest managers?

2 A. Yes, yes. This is an e-mail I sent after
3 I received a video made by one of our fellow flight
4 attendants named Ricky Spand who's based in
5 Las Vegas. It was an ugly video posted with intent
6 to do harm to me personally.

7 Q. And who is Ricky Spand?

8 A. He's a male flight attendant from
9 Las Vegas that is really prevalent, really busy on
10 social media.

11 Q. And does he have any relationship with
12 556?

13 A. He's a big supporter of the officers in
14 office now. He does a lot of Union work for them.

15 MR. JENNINGS: Okay. At this time I'd
16 like to move in this e-mail into evidence.

17 THE ARBITRATOR: What was it marked, CC --

18 MR. CHAPPELL: I think we're at 5?

19 MS. GEHRKE: I think that's right.

20 MR. CHAPPELL: The court reporter agree?
21 Okay. CC-5.

22 THE ARBITRATOR: Then that'll be -- do we
23 have an objection?

24 MS. GEHRKE: No.

25 THE ARBITRATOR: All right. Then CC-5

1 will be admitted.

2 BY MR. JENNINGS:

3 Q. So what was the specific thing that you
4 were reporting to Southwest in this e-mail?

5 A. Well, he's alluding to the fact that death
6 is going to meet me in D.C. And what that refers
7 to, I had started a recall petition to recall some
8 of our members of our executive board, and I had --
9 at this time, in November of 2016, had collected all
10 the necessary signatures.

11 And at the time it was unclear if I was to
12 turn those signatures in to our international reps
13 in D.C. or if I was supposed to turn them in to the
14 board. So I just made a post on one of our groups
15 on Facebook that, hey, got the signatures, I'm ready
16 to go to D.C., ready to turn them in and get this
17 going.

18 And just a few days later this video came
19 out saying that death will be meeting him there in
20 D.C., and it was sent to me. I took that to think
21 death was going to meet me if I took those
22 signatures to D.C. He was dressed in like a mask
23 and black hood and face paint, but you could -- you
24 could tell who it was, and it had his name on it on
25 the video.

1 THE ARBITRATOR: Had whose name?

2 THE WITNESS: Ricky Spand's, because he
3 posted it on one of his pages.

4 BY MR. JENNINGS:

5 Q. And at the bottom of the exhibit, is
6 that -- can you identify that URL link or describe
7 what it is?

8 A. In Facebook, yeah, it's a link that you
9 could go to to see the video. So I had turned this
10 in to Julie O'Grady and Deborah Edwards, but I never
11 received a response back from them.

12 Q. Okay. At this time we're going to show
13 you the video, and you can describe it.

14 A. Okay.

15 (Video played)

16 Q. So could you please describe the video
17 that we just watched?

18 A. That was posted on, as you can see there,
19 Instagram. It was also posted on Facebook and
20 directed towards me. And a lot of people sent that
21 to me through e-mail saying, "Have you seen this,
22 this is pretty -- pretty freaky." So that's when I
23 wrote the letter.

24 And after a couple of weeks I never heard
25 back from the Company, I never heard from Julie or

1 Deborah, so I sent another e-mail to Mike Sims
2 asking if anything was going to be done. And he
3 said, "Thanks, I'll look into it." And that's all I
4 heard back from them.

5 MR. JENNINGS: Okay. At this time I'd
6 like to admit the video into evidence. It's on our
7 flash drive.

8 MR. CHAPPELL: So I guess that would be
9 CC-6.

10 THE ARBITRATOR: Yeah.

11 (Grievant's Exhibit CC-6 marked)

12 MS. GEHRKE: So I guess I'm not clear
13 where we got -- I mean, I don't understand where the
14 video came from. It was publicly posted, or was it
15 sent to you directly?

16 THE WITNESS: Both. He posted it on
17 Instagram.

18 MS. GEHRKE: Under --

19 THE WITNESS: Ricky --

20 MS. GEHRKE: -- RickyRoundtheWorld?

21 THE WITNESS: Uh-huh. He posted on
22 Instagram and another Facebook page that he runs.

23 THE ARBITRATOR: But it was sent to you?

24 THE WITNESS: And it was sent to me, yes.

25 THE ARBITRATOR: All right. Objection?

1 MS. GEHRKE: No.

2 THE ARBITRATOR: All right. It'll be
3 admitted.

4 BY MR. JENNINGS:

5 Q. And did you ever find out what happened to
6 Ricky Spand? Was any discipline taken against him
7 that you know of?

8 A. Not that I'm aware of.

9 Q. Have you seen Ricky Spand since sending
10 that report to Southwest about the video?

11 A. Yes, I have. I've seen him twice.

12 Q. Can you describe those encounters, please?

13 A. One time was at -- was it a -- one time
14 was at the Union office just on October 25th when we
15 had our signature verification meeting. He was
16 invited to sit in on the verification on behalf of
17 Brett Nevarez, so I physically saw him then. The
18 second time --

19 Q. So what was he doing that first time you
20 saw him? He was doing something with the Union
21 or --

22 A. Oh, yeah, he was there at the Union's
23 request to sit in and observe the verification
24 process and how the signatures were verified and
25 what the results were.

1 Q. Okay.

2 A. That was on October 25th.

3 Q. So he was still participating in the
4 Union?

5 A. Oh, yes, he's still in the Union.

6 Q. And then can you please describe the
7 second time you saw him? Do you remember the month,
8 year?

9 A. I can't remember what month it was. I
10 think it was at the anniversary party. June?

11 Q. Of what year?

12 A. This year.

13 THE ARBITRATOR: Whose anniversary party?

14 THE WITNESS: Southwest Airlines has a big
15 anniversary party every year that's held here in
16 Dallas, and it's supposed to be --

17 THE ARBITRATOR: Is that the 10-year
18 party?

19 THE WITNESS: The 10-year party, but it's
20 for the 20, 25, 30, 35, 40 and 45-year employees,
21 but some are known to crash the parties every year.
22 Did y'all crash them?

23 MS. GEHRKE: Not me.

24 THE ARBITRATOR: Okay.

25 THE WITNESS: So I saw him there.

1 BY MR. JENNINGS:

2 Q. And please describe that encounter you
3 had.

4 A. I just saw him in passing. I didn't speak
5 to him.

6 Q. And then just to make sure the record's
7 clear, the first time you saw him after you sent in
8 this e-mail to Southwest, do you remember the
9 general -- I think you said the month, but do you
10 remember the year that was?

11 A. When I saw him at the Union office?

12 Q. Yes.

13 A. That was October 25th of this year.

14 Q. Okay. So does that mean that he's still a
15 Southwest employee?

16 A. I assume he is since he was performing
17 Union work. You have to be employed to do Union
18 work.

19 Q. And going back to that video, when you saw
20 it how did it make you feel?

21 A. It freaked me out, and I got chills. Kind
22 of scared me.

23 Q. Did you feel safe going back to work after
24 seeing that video?

25 A. I was worried that when I went back to

1 work I would have a chance encounter with him, and I
2 didn't know if he'd, you know, pull some kind of
3 stunt or hit me or slap -- I didn't -- I was afraid
4 to run into him on the airplane like if we had an
5 aircraft swap or had to ride in the crew van
6 together or go to the same hotel together. There
7 was never a chance that I could, you know, feel safe
8 if I had to be around him.

9 MR. JENNINGS: No questions.

10 CROSS-EXAMINATION

11 BY MS. GEHRKE:

12 Q. Ms. Jackson, you testified that you
13 started the recall petition for the current 556
14 leadership? Is that right?

15 A. Yes.

16 Q. So is it fair to say that you don't
17 support Audrey Stone and her leadership at the
18 Union?

19 A. I do not support this leadership, no, I
20 don't.

21 Q. You testified that when you sent this
22 e-mail to Ms. O'Grady and Ms. Edwards that you did
23 not receive a response? Is that correct?

24 A. From this particular one?

25 Q. Yeah.

1 A. No, I did not receive a response.

2 Q. Did someone acknowledge receipt of it at
3 all?

4 A. I got a receipt of it when I sent it to
5 Mike Sims. He said, "I'll check into it."

6 Q. Okay. And you understand the Company
7 policy is that when complaints come in that an
8 investigation will be conducted? Do you understand
9 that?

10 A. Yes, I do understand that, yes.

11 Q. Okay. And do you know that investigations
12 and complaints are generally treated confidentially
13 by the Company?

14 A. Yes, they're supposed to be.

15 Q. Okay. So you wouldn't necessarily be told
16 the outcome of the investigation or if discipline
17 were imposed on employees. Do you understand that?

18 A. That I would not be told? Sure. But to
19 see him everywhere leads you to believe he's still
20 employed here after threatening me.

21 Q. But you would acknowledge that he could
22 have been -- received a warning, a counseling, even
23 a suspension, or maybe he was terminated and for
24 different reasons he was reemployed, correct?

25 A. If he had been terminated, that would have

1 been big news. So, no, I don't know what
2 discipline, if any, was issued to him.

3 Q. Because it's generally kept confidential?

4 A. It's supposed to be kept confidential,
5 yes.

6 Q. You testified that you saw Mr. Spand at
7 the June 2017 anniversary party and you saw him in
8 passing?

9 A. In passing, uh-huh.

10 Q. Did you actually have any kind of
11 conversation with him during that party?

12 A. No.

13 Q. He never made any threats towards you?

14 A. I don't know that he saw me. I saw him
15 and I went a different way.

16 Q. But there was no incident there?

17 A. No incident, no.

18 Q. And the October 25th, 2017, when you saw
19 him at the Union office, did he make any threats to
20 you at that time?

21 A. He came in the office, and I left the
22 office.

23 Q. Okay. So there were no threats, no
24 incidents between the two of you?

25 A. No.

1 Q. Has Mr. Spand filed complaints against you
2 for harassment or violations of the social media
3 policy?

4 A. Yes, he has.

5 Q. How many has he filed against you?

6 A. Three or four.

7 Q. So it's safe to say that there's a lot of
8 history between you and Mr. Spand?

9 A. And we've only met one other time. It's
10 just all been over social media.

11 Q. And did the Company investigate those
12 complaints of -- by Mr. Spand against you?

13 A. I assume they did since I did make the
14 complaint.

15 Q. No, his complaints against you.

16 A. Oh, I've been called in for fact findings,
17 yes.

18 Q. And do you know if there was discipline
19 imposed against you?

20 A. I've received two suspensions.

21 Q. Okay. And have other employees filed
22 complaints against you because of social media
23 violations or harassment?

24 A. There's been one other person.

25 Q. Who's that?

1 A. Brian Talburt.

2 Q. Okay. Has Anita Vinje ever filed a
3 complaint against you?

4 A. Oh, that one just got settled. That was
5 Anita Vinje.

6 MS. GEHRKE: No further questions.

7 THE ARBITRATOR: Thank you. Anything
8 further?

9 MR. JENNINGS: No.

10 THE ARBITRATOR: Thank you, ma'am. I
11 appreciate your time.

12 (Recess from 11:24 to 11:31)

13 THE ARBITRATOR: We're sitting here in a
14 conference room. I am the arbitrator. We'll be
15 listening to your testimony. We have a court
16 reporter here who will be taking down your
17 testimony.

18 THE WITNESS: Okay.

19 THE ARBITRATOR: So will you tell her your
20 full name, please.

21 THE WITNESS: Sure. It's Kent Arthur
22 Hand, H-A-N-D.

23 THE ARBITRATOR: Thank you. Would you
24 raise your right hand.

25 Do you swear that the testimony you're

1 about to give in this arbitration shall be the
2 truth?

3 THE WITNESS: Yes.

4 THE ARBITRATOR: Thank you. All right.
5 Your witness.

6 KENT HAND,
7 having been duly sworn, testified via Skype as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. CHAPPELL:

11 Q. Mr. Hand, where are you currently
12 employed?

13 A. Southwest Airlines.

14 Q. Okay. And what is your position?

15 A. I'm a flight attendant.

16 Q. Okay. And how long have you been a flight
17 attendant?

18 A. About 15 years.

19 Q. Okay. And have you always been a flight
20 attendant during your employment with Southwest?

21 A. No, I was a customer service agent for
22 about a year in Los Angeles prior to going inflight.

23 Q. Okay. But once you became inflight or a
24 flight attendant, you remained a flight attendant
25 from that point forward to today?

1 A. Since November 2003.

2 Q. Okay. And are you aware that Southwest
3 Airlines has a social media policy?

4 A. I am.

5 Q. Okay. And that they have a harassment and
6 bullying and hazing policy?

7 A. Yes.

8 Q. Okay. And are you aware that flight
9 attendants are told that if they see violations of
10 this policy they should report it to management?

11 A. Yes.

12 Q. Okay. And have you ever done that, seen a
13 violation and you yourself have reported another
14 flight attendant?

15 A. I have.

16 MR. CHAPPELL: Okay. I'm going to show
17 you what -- is this 7? Okay. This is going to be
18 called CC Exhibit 7.

19 MS. GEHRKE: Whole packet is 7 or just the
20 first page?

21 MR. CHAPPELL: We are going -- let's try
22 to do it as one exhibit, which -- well, that is the
23 one exhibit, right? There's nothing else with that?

24 MR. JENNINGS: Right.

25 MR. CHAPPELL: Okay. So let me pass that

1 out.

2 (Grievant's Exhibit CC-7 marked)

3 BY MR. CHAPPELL:

4 Q. Now, this is where the fun begins. Can
5 you see -- do I need to be closer? Do you recognize
6 it?

7 A. No, I can see it.

8 Q. Okay. Do you recognize what I'm holding
9 up?

10 A. I do.

11 Q. Okay. Can you describe what it is?

12 A. It's the post that Sam Wilkins made where
13 she talks about having a gun and she can't stand
14 Mitt Romney.

15 Q. Okay. And did you do something about that
16 post at the top of Exhibit CC-7? Is that your
17 typing, your text?

18 A. That's my typing, my text, yes.

19 Q. Okay. And is that -- would it be fair to
20 characterize that as your complaint to management
21 about the posting by another flight attendant about
22 Mitt Romney and her gun?

23 A. Yes.

24 MR. CHAPPELL: I move the admission of
25 CC-7.

1 MS. GEHRKE: I'm going to -- I'll ask him
2 on cross, but it's not clear to me that this is a
3 complaint to management.

4 THE ARBITRATOR: Yeah, it needs a little
5 direction.

6 MR. CHAPPELL: Okay. Yeah. You are
7 correct. Let me clear that up.

8 BY MR. CHAPPELL:

9 Q. What did you do with this, "Wow, here is a
10 specific threat of violence"?

11 A. I mailed it in to Southwest Airlines.

12 Q. Okay. To a department or to a person?

13 A. I think I sent it to employee relations.

14 Q. Okay. So this wasn't an e-mail, this is
15 your rendering of a letter that you sent?

16 A. It was sent through U.S. mail.

17 Q. Right. And the -- I'll hold it up here so
18 you can see it. The actual text that you're talking
19 about seems to have a date of 2012 which would
20 correspond to the Romney campaign. Is that correct?

21 A. That's correct.

22 Q. Okay. And therefore, is it fair to say
23 that the U.S. mail that you sent, which is the top
24 of CC-7, was sent in 2012 as well?

25 A. No, it was sent within the last year or

1 two.

2 Q. Okay. So last --

3 A. Yeah, I didn't -- I didn't keep the date,
4 but I think it was within the last two years.

5 Q. Okay. So in 2015 or '16?

6 A. I think so.

7 MR. CHAPPELL: Now I'll try again to move
8 it.

9 MS. GEHRKE: Okay. I have a couple of
10 objections. I don't see the relevance because the
11 threat of violence was against a third party, Mitt
12 Romney, not a Southwest -- fellow Southwest Airlines
13 employee. And it's an old post from October 2012.
14 He didn't turn it in until the last year or two, so
15 I guess I just don't see the connection.

16 THE ARBITRATOR: Address that on cross.
17 And if that's the case, it'll go to the weight, but
18 I'll allow the exhibit itself. CC what?

19 MS. GEHRKE: 7.

20 MR. CHAPPELL: 7.

21 BY MR. CHAPPELL:

22 Q. Okay. The post by Sam Wilkins, that
23 appeared on Sam's personal Facebook page?

24 A. I believe so.

25 Q. Okay. And you don't know what else was on

1 that page, correct?

2 A. I do not. I do not.

3 Q. Did you believe that that casts Southwest
4 in a bad light?

5 A. I think so, yeah.

6 Q. Now, did -- was that the only time you
7 turned in a complaint about a Southwest employee
8 violating the Southwest policies?

9 A. No, I sent in another -- another one.

10 Q. Okay. And when and what did you send in?

11 A. I sent in a post about Bill Holcomb.

12 Q. Did you have a cover letter or some
13 explanation?

14 A. I did send a letter along that I did not
15 have. After I changed computers, I lost that Word
16 document. But I sent it in to employee relations as
17 well, a copy of his Facebook profile page
18 connecting -- showing him as a Southwest Airlines
19 employee and a post that he made about a passenger.

20 Q. Okay. And how did -- what format, e-mail,
21 U.S. mail? How did you submit this complaint to
22 Southwest Airlines?

23 A. U.S. mail.

24 Q. U.S. mail?

25 A. Yeah.

1 Q. Okay. And again, do you remember what
2 department or person you addressed the letter or
3 envelope?

4 A. I would have sent it to employee relations
5 also.

6 Q. Okay. And the -- but you did -- your
7 recollection is that you did have a cover letter
8 with the actual post that you sent in?

9 A. Yeah, I did.

10 Q. Okay. And just tell me the nature of what
11 you remember that cover letter stating.

12 A. It was just the facts that I saw in that
13 post that he made, and I felt that they were
14 harassing in nature and passenger shaming --

15 Q. Okay.

16 A. -- and not something that I felt that was
17 appropriate.

18 (Grievant's Exhibit CC-8 marked)

19 Q. Okay. Now, I'm going to hold up for you,
20 and I will go ahead and pass it out so everyone can
21 see what you're seeing, and we'll call it CC-8. And
22 this is a time line Facebook post. Can you see
23 that? Do I need to be closer?

24 A. I can. Yes, I can.

25 Q. Okay. And do you recognize the gentleman

1 in the picture?

2 A. Yes, I do.

3 Q. And who is that?

4 A. That's Bill Holcomb.

5 Q. And does it have his name on it?

6 A. It does.

7 Q. Okay. And do you recognize this as the
8 time line picture that you saw and submitted to
9 Southwest?

10 A. The profile picture, yes.

11 Q. Yes, profile. Thank you. And this is a
12 two-page exhibit. And I'm now going to hold up and
13 you can see the second page. Do you recognize that?

14 A. I do.

15 Q. Okay. Can you describe what the picture
16 looks like to you?

17 A. It shows a passenger sitting in the front
18 row. There's a banana peel by her feet.

19 Q. Okay. And then you may not be able to
20 read it. I may have to hold it really close, but do
21 you see writing -- let's see -- writing on the --
22 would be the right side of the picture?

23 A. I do, yeah.

24 Q. Okay. And isn't that writing some writing
25 that's attributed to Bill Holcomb?

1 A. Correct. I think there are two comments
2 he made about the picture.

3 Q. Okay. And it was those comments that he
4 made that you were suggesting or requesting an
5 investigation on whether it violated Company policy?

6 A. Correct.

7 MR. CHAPPELL: Okay. I move the admission
8 of CC-8, the two pages.

9 MS. GEHRKE: I have no --

10 THE ARBITRATOR: By the narrowest, it'll
11 be admitted subject to what weight I give it, but
12 you can cover that on cross-examination.

13 MS. GEHRKE: Fair enough.

14 MR. CHAPPELL: Thank you.

15 BY MR. CHAPPELL:

16 Q. Now, the post beside or the date beside
17 the picture of the passenger -- how do you know
18 that's on the plane or a passenger?

19 A. Yeah, it looks like -- looks like one of
20 our aircraft.

21 Q. Okay.

22 A. Seats are the same color.

23 Q. Okay.

24 A. I think the thing that I found
25 objectionable was that he made the post and he

1 identifies himself as a Southwest Airlines employee
2 on his profile page. And whether it was Southwest
3 or not, I can't -- I wasn't on that flight, but the
4 fact that he works for an airline and he's clearly
5 talking about a passenger sitting in an airline seat
6 and wondering aloud what she did with the banana
7 that was once encased in that banana peel by her
8 feet I found to be objectionable.

9 MR. CHAPPELL: Okay. And the arbitrator
10 can read Bill Holcomb's comments and draw his own
11 conclusions --

12 THE ARBITRATOR: Yes.

13 MR. CHAPPELL: -- on that, and we don't
14 have to have him read it --

15 THE ARBITRATOR: No.

16 MR. CHAPPELL: -- and the rest of that
17 now.

18 BY MR. CHAPPELL:

19 Q. So this at the top shows that Bill
20 Holcomb's comments are dated or he placed them on
21 Facebook September 17, 2013?

22 A. Yes.

23 Q. Okay. And do you remember approximately
24 when you sent this post with your cover letter
25 through the U.S. mails to employee relations?

1 A. Yes. Similarly, it wasn't in 2013. It
2 was sometime thereafter. The cover letter that I
3 would have sent went away with my old laptop, so I
4 don't have that.

5 Q. Okay. And have you had a chance after you
6 sent in the complaint on this last one, have you had
7 a chance to see Bill Holcomb as a flight attendant
8 or know whether he's still employed at Southwest or
9 not?

10 A. I haven't seen him in years. I haven't
11 talked with him in years. Because he was a Union
12 negotiator, I think I would have heard through the
13 grapevine or online that he had been removed as a --
14 as a negotiator for our last contract. But I didn't
15 hear that, so I make the assumption he's still
16 employed with Southwest Airlines.

17 Q. Right. Is it your understanding -- you
18 were a member of the Union at one time. Is that
19 correct?

20 A. I was.

21 Q. Okay. Is it your understanding that if
22 you lose your job at Southwest that you can no
23 longer serve as a Union officer?

24 A. Repeat that question. I'm sorry.

25 Q. Is it your understanding that if you are

1 no longer employed by Southwest, you can no longer
2 be a Union officer?

3 A. With the local I believe that's true, yes.

4 MR. CHAPPELL: Okay. And we do have
5 testimony in the record about Bill Holcomb's status,
6 current status or whatever, so I won't go further
7 with that. I have no other questions.

8 MS. GEHRKE: Okay. I have some.

9 CROSS-EXAMINATION

10 BY MS. GEHRKE:

11 Q. Hello, Mr. Hand. My name's Michele
12 Gehrke. I'm outside counsel for Southwest Airlines.

13 A. Okay.

14 Q. Nice to meet you.

15 A. Thank you. Nice to meet you.

16 Q. I have a few follow-up questions.

17 Sam Wilkins, you testified that her
18 original post was in October 2012 but that you did
19 not send that post to Southwest for several years?
20 Is that right?

21 A. Correct.

22 Q. Why did you wait so long to make the
23 complaint about -- is it a female or a male?

24 A. I think she's a female, Samantha Wilkins.

25 Q. Okay. Ms. Wilkins. Why did you wait so

1 long?

2 A. I'm sorry. What was your question?

3 Q. Why did you wait so long to send in the
4 complaint about this post that was from 2012?

5 A. I believe someone sent it to me at some
6 time after the initial post. It's been -- you know,
7 once you make the post on social media, it stays
8 there forever. And I saw it and I felt it was --
9 needed to be sent in.

10 Q. Why would someone send you a post from
11 Ms. Wilkins from years ago?

12 A. I have no idea.

13 Q. Who sent it to you?

14 A. I don't -- I think it was probably Holly
15 Imamovic maybe.

16 Q. Okay. Yeah, we're familiar with her.
17 Thank you. Are you an objector? You've opted out?

18 A. I am. I am.

19 Q. Sorry. Go ahead.

20 A. Yes, yes.

21 Q. And you support the recall movement,
22 correct?

23 A. I didn't sign the petition. I'm not
24 allowed to as an objector.

25 Q. Okay. But you would prefer that the

1 current Union leadership be replaced. Is that
2 right?

3 A. That would be correct.

4 Q. And do you have any kind of animosity or
5 dispute with Ms. Wilkins or what -- why did you feel
6 the need to turn her in years later?

7 A. Do I have any dispute with her?

8 Q. Animosity or dispute with her, yeah. I
9 don't understand why you turned her in.

10 A. No, no.

11 Q. Is she a Union supporter?

12 A. I believe she's a board member actually.
13 So, yes, she would be a Union supporter.

14 Q. Okay. If you look at Exhibit 8, that was
15 the Bill Holcomb time line --

16 A. Okay.

17 Q. -- exhibit.

18 A. Yeah.

19 Q. On the second page where we were talking
20 about the picture, can you see that?

21 A. Yes.

22 Q. Okay. On the right-hand side, it looks
23 like Ray Ward was the initial person who started the
24 post by sending it to the group called The Sassy
25 Stew Crew Room?

1 A. Correct.

2 Q. Okay. What is The Sassy Stew Crew Room?

3 A. It would have -- I don't know that it
4 exists any longer. It would have been a grouping of
5 flight attendants I think from a lot of other
6 airlines. I was never a member of this group.

7 Q. Okay. Do you know if it was a private
8 group or a public group?

9 A. I do not know.

10 Q. Okay. And how did you get a copy of this
11 posting if you were not a member of the group?

12 A. It was sent to me.

13 Q. And who sent it to you?

14 A. I don't recall.

15 Q. Was it another one of your objector
16 friends from Southwest or a third party?

17 A. Yeah, I don't know that we have -- I have
18 objector friends that are -- can you rephrase that
19 question?

20 Q. Well, I'm just trying to figure out who
21 sent it to you. You said you don't recall?

22 A. Yeah. And again, I got a new laptop
23 computer, and like the letters that I would have
24 sent these in with I don't have any longer. I don't
25 recall how I got these. They came across, and I

1 felt they should be sent in to Southwest because
2 they violated the policies that we're all to uphold.

3 Q. Did you ask -- I'm sorry. I didn't mean
4 to interrupt you. Are you done?

5 A. No, go ahead.

6 Q. Did you ask other Southwest Airline
7 employees to send you social media posts that could
8 be questionable or violate Company policy?

9 A. No, no.

10 Q. They just -- they initiated sending you
11 these random posts?

12 A. I think everyone sends them around. So,
13 no, I did not request it.

14 Q. Are you aware that the Company issued what
15 are called read before flies regarding social media?

16 A. There have been many, I think.

17 Q. Okay. Excuse my reach. We're a little
18 logistically challenged here, but -- how long did
19 you say you've been employed?

20 A. Since May 2002.

21 Q. Okay. And do you recall during the -- at
22 least since 2013, 2015 time frame there's been a lot
23 of use of social media by flight attendants to
24 discuss Union issues?

25 A. Am I aware?

1 Q. Yes.

2 A. That it's discussed on social media?

3 Q. Yes.

4 A. Yes.

5 Q. Okay. And has that caused problems among
6 the flight attendants in terms of people turning
7 each other in and the Company having to investigate
8 and possibly take corrective action for violation of
9 Company policy?

10 A. Yeah, I would have no idea. Perhaps the
11 Company could ask that -- answer that question. I
12 don't know how many are sent in or if it's become a
13 problem for them. I don't know.

14 Q. So you sent --

15 MR. CHAPPELL: I think this cross is far
16 afield of the direct, and it's testing his
17 credibility for what he testified. But if you want
18 to continue to go down this route, we will.

19 THE ARBITRATOR: No, I think it's entirely
20 appropriate. You may continue.

21 MR. CHAPPELL: Okay.

22 MS. GEHRKE: Thank you.

23 BY MS. GEHRKE:

24 Q. Mr. Hand, you testified that you sent in
25 these two complaints to Southwest --

1 A. Uh-huh.

2 Q. -- Airlines regarding what you thought
3 were problematic posts under Company policy. Have
4 you sent in any other complaints regarding potential
5 social media violations?

6 A. Not that I recall, no.

7 Q. Okay. And have you had any social media
8 violations complaints made against you?

9 A. I have.

10 Q. How many?

11 A. One. I believe one.

12 Q. Okay. I was going back to asking you
13 about the read before fly memos that the Company has
14 issued regarding social media. Are you aware of
15 those documents?

16 A. You would need to show me which one you
17 might be referring to.

18 Q. Okay. I will do that. Thanks. This is
19 Southwest Company Exhibit 5. I don't know if you
20 can read it.

21 A. What's the date?

22 Q. It is dated October 12th, 2016. Can you
23 see it?

24 A. Yeah. I just see the top corner.

25 Q. Okay. Well, I'll read it to you then.

1 A. Okay.

2 Q. At least part of it. I just want to see
3 if you recall receiving this -- well, let me ask you
4 generally.

5 Do you recall receiving a read before fly
6 issued around October 12, 2016, to flight attendants
7 regarding social media behavior and reminder of
8 Company policy about social media?

9 A. Do I remember it?

10 Q. Yeah. Do you recall generally
11 receiving -- I know you're not going to know the
12 exact verbiage.

13 A. Yeah, during that time I was on medical
14 leave. I was on -- I was injured on the job, so I
15 don't -- specifically I don't recall that one.

16 Q. Okay. Would you agree, though, at some
17 point -- you're a current employee, correct?

18 A. I am now, yes.

19 Q. And have you flown at all in the last year
20 or two?

21 A. I flew -- yes, I have. Yes, I have.

22 Q. And before you're allowed to fly, you have
23 to read these read before flies that have been
24 issued, correct?

25 A. Yes.

1 Q. Okay. So you would have been expected to
2 read any other read before flies that had come out
3 while you were out on medical leave up until the
4 time you were starting to fly again, right?

5 A. Repeat that? I'm sorry?

6 Q. You would have been expected to read any
7 of the read before fly memos that had come out while
8 you were out before you could fly again.

9 A. That's correct.

10 Q. Okay. So do you recall receiving or
11 reading this October 12, 2016, read before fly
12 regarding a reminder about the Company's social
13 media policy and discussion about social media
14 behavior?

15 A. I'm sure I would have read it.

16 Q. Okay.

17 A. If that's your -- is that your question,
18 did I read it?

19 Q. Yeah, I just want to establish that you
20 would have -- you probably would have received this.
21 You would have been expected to read it?

22 A. I would have been expected to become
23 current for the -- I was off work for about two
24 years, yeah.

25 Q. Okay. Fair enough. And they issued

1 another one February 2017 regarding social media and
2 bullying policies and expectations. Do you recall
3 this one?

4 A. Again, not specifically, but I would have
5 been required to read those.

6 Q. Okay. And do you -- are you aware that
7 from around the 2015 time frame to the present, at
8 least, there have been a lot of social media
9 allegations and complaints by flight attendants that
10 may have prompted the Company to issue these?

11 A. I'm sorry? Repeat that?

12 Q. Are you aware that there have been a lot
13 of complaints regarding social media violations
14 among the flight attendants beginning around 2015 at
15 least and that could have been why they issued
16 these? Do you know?

17 A. I would assume there's some motivator that
18 would have required Southwest to issue those.

19 Q. Okay. Do you have any kind of personal
20 dispute or animosity with Mr. Holcomb that would
21 have prompted you to complain about his social media
22 activity?

23 A. Do I have personal animosity toward Bill
24 Holcomb?

25 Q. Well, are there any -- been disputes or

1 intra-Union squabbles between the two of you?

2 Trying to understand why you turned in --

3 A. I haven't spoken to Bill Holcomb in
4 probably five years maybe.

5 Q. Okay. But has there been disputes between
6 the two of you regarding Union issues during this
7 time?

8 A. No.

9 MS. GEHRKE: Nothing further.

10 MR. CHAPPELL: I have no --

11 THE ARBITRATOR: Thank you, sir.

12 (Recess from 11:58 to 12:16)

13 THE ARBITRATOR: We'll go back on the
14 record. Have you any other witnesses or proof to
15 offer at this time?

16 MR. CHAPPELL: I have nothing at this
17 time. I don't know whether we're going to hear
18 more. Reserve the right for any potential rebuttal,
19 including Mr. Hofer, if necessary.

20 THE ARBITRATOR: Okay. Thank you. Off
21 the record.

22 (Recess from 12:16 to 12:23)

23 THE ARBITRATOR: Back on the record.

24 The Company had a desire to call another
25 witness, to recall a witness, so you may do that.

1 MS. GEHRKE: Okay. We'd like to recall
2 Maureen Emlet to testify on rebuttal.

3 THE ARBITRATOR: Ms. Emlet, you'll recall
4 that you were sworn to tell the truth. That remains
5 in effect.

6 THE WITNESS: Yes.

7 THE ARBITRATOR: All right. Thank you.

8 MAUREEN EMLET,
9 having been previously sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MS. GEHRKE:

12 Q. Ms. Emlet, you testified during your
13 direct testimony yesterday that the Company has had
14 a social media policy for several years, correct?

15 A. I believe I testified to that, yes.

16 Q. Okay. And that it's also issued several
17 read before fly documents regarding social media
18 policy and expectations, correct?

19 A. Yes.

20 Q. Has the Company's need to be involved in
21 social media issues with the flight attendants
22 changed over the last several years because of the
23 sheer volume of complaints?

24 A. Yes, it's changed dramatically.

25 Q. Can you explain that further, please?

1 A. Yes. In 2009 I have -- we have recorded
2 one social media violation complaint. In 2010 we
3 had one complaint. In 2011 the numbers started to
4 increase, and it seemed that the violations or the
5 allegations were mainly focused in the inflight
6 department. The other departments didn't seem to be
7 nearly as active on social media.

8 So then by 2012 and 2013 we were dealing
9 with social media complaints and potential
10 violations on at least a weekly basis, if not an
11 almost daily basis.

12 Q. And around this time, this is when the TWU
13 Local 556 was having a lot of internal turmoil
14 regarding Union leadership, right?

15 A. I don't remember the exact timing, but I
16 believe that was about the time that the former
17 president was under the microscope from some of the
18 membership. They wanted him ousted from his
19 position.

20 Q. Is it accurate to say that a lot of the
21 Union's leadership issues played out on social
22 media, though, and that's what kind of caused this
23 spike in complaints?

24 A. Yes. The thoughts and feelings of the
25 flight attendants about the Union leadership is what

1 played out on social media.

2 Q. Were both Union supporters and recall
3 supporters -- well, I don't know if they were recall
4 supporters -- Union supporters and people that did
5 not support the current leadership accused of
6 violating the social media policy?

7 A. Yes. I am not really schooled on who
8 supported the Union and who was against the Union.
9 However, from many of the comments that were posted,
10 you could infer what their feelings were about the
11 leadership.

12 Q. Okay. And were both sides, both Union
13 supporters and those who were upset with Union
14 leadership, filing complaints against each other as
15 well?

16 A. Yes.

17 Q. And did the Company take those complaints
18 seriously?

19 A. Absolutely.

20 Q. Did the Company initiate investigations to
21 determine that there had been a violation of Company
22 policy?

23 A. Yes.

24 Q. And has the Company's position with
25 respect to the appropriate level of discipline

1 changed over the last year or two?

2 A. Yes, it absolutely has. The complaints
3 and comments were at such an increased volume, and
4 prior to the advent of social media we would have
5 just -- I would have pulled those people into my
6 office and said quit bickering, next time you're
7 going to get in trouble.

8 But it really did get out of control to
9 the point that in February of 2017, earlier this
10 year, the vice president of inflight operations
11 along with the other two VPs put out that joint read
12 before fly stating, you know, this has got to stop.
13 And actually that has greatly helped in the volume
14 of complaints that we are receiving.

15 Q. And you testified previously about
16 Southwest Exhibit No. 5, which was the 2016 read
17 before fly?

18 A. Yes.

19 Q. And was that kind of the beginning of the
20 Company's crackdown, or was it really in 2017?

21 A. Well, I think that in 2016 we were -- we
22 were getting much more serious about it and
23 recognized that we had to take a much stronger
24 stance, a firmer hold on it. The 2016 RBF was not
25 as effective as we would have liked, so we put out

1 the additional communication in February of 2017.
2 And I know that amongst ourselves we refer to that
3 as the line in the sand.

4 Q. Now, you testified previously that you
5 were often called to be involved in investigations
6 or discussions regarding flight attendant discipline
7 if there's a potential for suspensions or
8 terminations, correct?

9 A. Yes.

10 Q. Okay. And that would include these social
11 media violations?

12 A. Yes.

13 Q. From your experience, if the Company
14 determines that there's been a serious violation of
15 Company policy, whether it be the social media, the
16 bullying, hazing, harassment, is there a kind of
17 framework for what's the appropriate level of
18 discipline, or is it a complete case-by-case
19 scenario?

20 A. Well, it's a combination of the two. The
21 discipline, of course, would depend on the
22 circumstances of the case. If it was just a social
23 media violation and there were not other policies
24 that had been violated, if it was not a credible
25 threat, if it was not some egregious behavior, then

1 typically we have been this year issuing 30-day
2 suspensions for every first offense. I've only seen
3 one case that has had a second offense since that
4 RBF came out.

5 Q. And what happened to that person?

6 A. She received another 30-day suspension.

7 Q. And why was she given another suspension?

8 A. Well, the nature of the violation, what
9 she posted was extremely distasteful, it was
10 inappropriate, and it was directed toward another
11 flight attendant. However, it was not threatening.
12 It was not -- I don't know if -- we didn't determine
13 that there was any violation of the harassment
14 policy, so that one mainly was focused on violation
15 of just the social media policy.

16 Q. And that was Ms. Jeanna Jackson?

17 A. Yes.

18 Q. And are you aware of her feelings
19 regarding the current Union leadership?

20 A. Yes.

21 Q. And what's your understanding of her
22 position on the Union leadership?

23 A. Well, as I understand it, she is leading
24 the recall effort to have the entire executive board
25 recalled, so I'm guessing she does not like the

1 Union.

2 Q. Okay. I want to ask you about Mr. Brian
3 Talburt.

4 A. Yes.

5 Q. Are you aware of Mr. Talburt?

6 A. Yes.

7 Q. Okay. Are you aware that Ms. Carter filed
8 a complaint against Mr. Talburt?

9 A. I think I -- that was several years ago.

10 Q. If you could look at Southwest Exhibit 14,
11 please. It's the step 2 hearing documentation,
12 probably near the end.

13 All right. If you look at page 134 in the
14 packet.

15 A. Yes.

16 Q. Are you aware that Ms. Carter filed this
17 complaint against Mr. Talburt or were you aware?

18 A. At the time of her termination?

19 Q. Well, let's start back in October 2014
20 when the complaint was made. Were you aware of this
21 complaint?

22 A. I remember -- I was not directly
23 involved -- well, I guess I was involved in the
24 investigation with Brian Talburt. I did not
25 remember that Ms. Carter was the person who brought

1 the claim forward.

2 Q. Okay. But you had heard or were aware
3 that there had been a complaint against him for
4 harassment and social media?

5 A. I knew -- I absolutely knew there was a
6 complaint about -- against Brian Talburt, yes.

7 Q. And did you have any involvement in the
8 investigation or fact finding process?

9 A. Yes.

10 Q. Okay. What was your involvement?

11 A. Well, I'd have to -- because this was
12 three years ago, I'd have -- three and a half years
13 ago, I'd have to go back, of course, and look at the
14 file to see what my direct involvement was, but I
15 would have consulted with the base and I would have
16 read through all of the documents at that time to
17 determine what would be the appropriate or to work
18 with the base to determine the appropriate
19 discipline.

20 Q. Do you recall whether or not the Company
21 concluded Mr. Talburt had violated Company policy?

22 A. Yes.

23 Q. The Company did conclude he violated
24 policy?

25 A. Yes.

1 Q. Okay. And do you remember the level of
2 discipline issued against Mr. Talburt?

3 A. He was terminated.

4 Q. Are you familiar with a gentleman by the
5 name Mr. Kent Hand?

6 A. Yes.

7 Q. Mr. Hand testified, and I realize you
8 weren't in the room, that he had sent the Company
9 two complaints regarding what he considered
10 inappropriate social media violations, one involving
11 Sam Wilkins from 2012 and another involving Bill
12 Holcomb from September 2013.

13 During the break we asked you to go look
14 to see if the Company had record of receiving those
15 complaints. Well, first of all, does the Company
16 generally log complaints as they are received?

17 A. Absolutely.

18 Q. And how does it track the complaints that
19 are received?

20 A. We have a database that we call ProLaw.
21 That's the program is ProLaw. We also have the
22 base -- at the domicile where the person is based,
23 they keep records on the computer of their
24 investigations.

25 Q. Okay. And did you just go look to see if

1 there were any complaints by Mr. Hand involving
2 Ms. Wilkins or Mr. Holcomb?

3 A. Yes.

4 Q. And were there any complaints received by
5 the Company?

6 A. I could find nothing from Mr. Hand
7 regarding Sam Wilkins. I did find records of
8 complaints against Bill Holcomb.

9 Q. And to your knowledge did the Company
10 investigate that complaint?

11 A. Yes.

12 Q. And did it take any disciplinary action
13 against Mr. Holcomb?

14 A. Yes.

15 Q. I want to ask you about flights that were
16 going to the women's march. There's been testimony
17 in the arbitration regarding Southwest or -- either
18 as a Company or certain flight attendants making the
19 aircraft lighted pink to show support for the march
20 and the women going to the march.

21 Are you aware that that was part of the
22 step 2 documentation submitted by Ms. Carter?

23 A. Yes.

24 Q. Okay. And do you know if there was a
25 Company-sanctioned or Company-sponsored initiative

1 to make the lighting pink on aircraft going towards
2 the D.C. area for the march?

3 A. There was nothing sanctioned by the
4 Company.

5 Q. Okay. Are you aware of whether or not
6 certain flight attendants may have taken it upon
7 themselves to change the lighting in the cabin?

8 A. I did hear that that happened on some
9 flights, yes.

10 Q. And would that have been a violation of
11 Company policy?

12 A. Yes, it would have been, except that we do
13 occasionally -- you know, we give our flight
14 attendants a lot of freedom. And when there are
15 certain special events on the plane, we actually
16 encourage them to celebrate those.

17 For instance, if a sports team or the
18 plane is mostly full of one particular set of fans
19 for a sports team, they may play that team's fight
20 song over the P.A. Or if there is, you know, one of
21 our honor flights where we're taking veterans to
22 D.C., we recently had a young boy who sang the
23 national anthem over the P.A. So there -- or
24 weddings are huge. We oftentimes do big
25 celebrations for people who are getting married.

1 So they -- we do encourage our flight
2 attendants to recognize and celebrate with our
3 customers.

4 Q. But in this instance did the Company
5 receive complaints about the pink lighting on the
6 plane and that somehow supporting the march?

7 A. I would not have been in receipt of those
8 complaints. I think there may have been one
9 customer who wrote in, but otherwise I really don't
10 know.

11 Q. Are you aware of the Company doing any
12 investigation into complaints about the pink
13 lighting?

14 A. They would have -- if we received a
15 complaint regarding a specific flight and specific
16 flight attendants, we would have contacted those
17 flight attendants and requested them -- requested
18 reports from them.

19 And then if there was anything that
20 warranted -- if it was just a coach and counsel,
21 that would have been over the phone. If we felt
22 there was any potential for violation, we would have
23 brought them in.

24 MS. GEHRKE: Can we mark this as Southwest
25 Exhibit 16, please.

1 (Company Exhibit 16 marked)

2 BY MS. GEHRKE:

3 Q. Ms. Emlet, are you familiar with this
4 document?

5 A. Yes, I am, very familiar.

6 Q. Is this an excerpt from a larger document?

7 A. Yes. This is an excerpt from our handbook
8 called the Guidelines for Employees.

9 Q. Would it apply to all employees?

10 A. Yes.

11 Q. Okay. And what is this titled The Basic
12 Principles, what is this in reference to?

13 A. Well, years ago when these were first
14 written, our handbook was actually called the
15 Guidelines for Leaders. It's -- it was changed at
16 least ten years ago, I think, to the Guidelines for
17 Employees. And any employee is subject to these,
18 but especially leaders.

19 In all of the in-house leadership training
20 that Southwest provides for their leaders and
21 management, this is one of the things that we
22 stress. And each one is -- each leader is really
23 bound to make sure that they are following these
24 principles in dealing with other employees.

25 Q. And is the first bullet point of "Focus on

1 the situation, issue, or behavior, not on the
2 person," how is that relevant to the base leaders?

3 A. Well, it's very relevant. In fact, every
4 base leader, when they are selected for that
5 position, receives a framed copy of the basic
6 principles. When I was at the base, I kept that
7 right on my desk because these really are our
8 guidelines for -- one of the sets of guidelines for
9 when we are investigating issues or if there are --
10 if there's anything that needs to be dealt with for
11 professional relationships.

12 Q. And how would this have factored into, if
13 at all, the Company's investigation of Ms. Stone's
14 complaint regarding Ms. Carter's messages?

15 A. Well, I think that the number 1 has always
16 stood out to me very strongly, "Focus on the
17 situation, issue, or behavior, not on the person."
18 We don't pick and choose which of our employees are
19 protected. We also -- it's so -- you know, when
20 we're talking about is someone a Union supporter or
21 anti-Union, that has no place in the investigation
22 because we're looking at the situation, the issue,
23 or the behavior, not that person's beliefs or
24 affiliations.

25 Q. So the fact that Audrey Stone was Union

1 president should not necessarily have factored into
2 the Company's investigation of Ms. Carter?

3 A. Absolutely not. It should not prevent her
4 from being protected, nor should it give her any
5 extra rights of protection. She should be treated
6 the exact same way that we would any other employee
7 from the brand-new person in cargo all the way up to
8 Gary Kelly.

9 Q. There has been a lot of testimony from
10 Ms. Carter that she really viewed this as, you know,
11 a Union dispute and this was her Union president and
12 that's who she was writing to when she sent those
13 messages.

14 From the Company's perspective, did the
15 Company see this as a Union issue?

16 A. No, absolutely not.

17 Q. Why not?

18 A. There was nothing in the posts that she
19 sent to Ms. Stone that I saw that had any relation
20 or relevance to Union protected activity or speech.
21 There's a time and a place and a manner for
22 everything, and had she wanted to discuss this issue
23 with Ms. Stone, there would have been an appropriate
24 way to do it. Her posts and her private messages
25 were not appropriate.

1 MS. GEHRKE: I have nothing further.

2 Thank you.

3 THE ARBITRATOR: Yes, sir?

4 MR. CHAPPELL: Yeah. Just a moment.

5 CROSS-EXAMINATION

6 BY MR. CHAPPELL:

7 Q. You testified just a few minutes ago that
8 as a result of the October 6, 2014, complaint
9 against Brian Talburt that was part of Southwest
10 Exhibit 14 that you looked at, that he was
11 terminated as a result of that investigation of that
12 complaint?

13 A. I believe that is the one that he was
14 terminated.

15 Q. Okay. Was he subsequently reinstated?

16 MS. GEHRKE: I'm going to object for the
17 reasons we've already discussed.

18 MR. CHAPPELL: Well, then let me show --

19 THE ARBITRATOR: Hold on. Let me think
20 about this. The fact that the person was reinstated
21 I think is an acceptable question. The reasons and
22 documents and the motivation for reinstating that
23 person, however, may well be confidential. So I'll
24 allow you to explore that.

25 I mean, here's the deal. The guy was

1 fired. That indicates to me the Company was
2 consistent in its discipline. Then something
3 happened, and there are a lot of variables. The
4 labor relations guy got sick, the arbitrator got
5 fired, we don't know. And that's what I don't need
6 testimony about. So proceed cautiously with that
7 guideline, if you would.

8 BY MR. CHAPPELL:

9 Q. The question was simply, was Mr. Talburt
10 reinstated after that termination you testified to
11 that related back to the October 14 complaint?

12 A. Yes.

13 Q. And after he had been reinstated, were
14 there other complaints filed against Mr. Talburt?

15 A. Yes.

16 Q. And were you part of that investigation?

17 A. I believe I was.

18 Q. Okay. And would one of the complaints
19 against Mr. Talburt after he came back in, was
20 reinstated, would that have been filed by
21 Mr. Gregory Hofer, H-O-F-E-R?

22 A. I believe so, yes.

23 Q. Okay. And that's the one that we were
24 referencing that you were involved in as the second
25 investigation?

1 A. Yes.

2 Q. Okay. And what was the result of that
3 investigation?

4 A. He was terminated.

5 Q. Okay. And when we say "he," we mean
6 Mr. Talburt?

7 A. Yes.

8 Q. Okay. And after that second termination,
9 was he reinstated again?

10 A. Yes.

11 Q. And was that second reinstatement because
12 of a decision of --

13 MS. GEHRKE: I'm going to object for the
14 reasons --

15 MR. CHAPPELL: Let me ask the question.

16 THE ARBITRATOR: Let him ask the question.

17 MS. GEHRKE: Okay. Go ahead. I'm sorry.

18 BY MR. CHAPPELL:

19 Q. Was the reason he was reinstated the
20 second time or after the second termination because
21 of a decision of an arbitrator or a system board?

22 MS. GEHRKE: Same objection. I think
23 we're going down a slippery slope.

24 THE ARBITRATOR: Well, no, actually I have
25 said in prior decisions a decision by an arbitrator

1 in a situation like that is fully admissible. It's
2 the deliberations and the not-without-precedent
3 settlements I don't need to hear about. So I think
4 that's a fine question. I may even be aware of the
5 decision.

6 MR. CHAPPELL: I don't -- I'm fishing
7 here.

8 THE ARBITRATOR: No, go ahead.

9 MR. CHAPPELL: I'm doing what I'm not
10 supposed to do. It may be your decision, but --

11 THE ARBITRATOR: No, it's not mine.

12 MR. CHAPPELL: -- if it is, it's not
13 because I knew that.

14 BY MR. CHAPPELL:

15 Q. Do you need the question read back, or do
16 you remember what it is? The arbitrator has denied
17 her objection.

18 A. I think the answer's no.

19 Q. Okay. But he was reinstated --

20 A. Yes.

21 Q. -- for reasons other than that. Okay.
22 Then, now, this is after the second reinstatement.
23 Were there further complaints filed against
24 Mr. Talburt?

25 A. Off the top of my head, I don't remember.

1 I don't think he has received any discipline since
2 then. I don't -- I really don't remember if there
3 were any subsequent complaints.

4 Q. I believe you testified when I asked
5 you -- it was just yesterday -- whether he was
6 currently employed, and I believe your testimony was
7 yes.

8 A. That's correct.

9 Q. Okay. And you don't know of any
10 terminations between the second reinstatement?

11 A. That's correct.

12 Q. But you're not a hundred percent sure
13 whether he might have had some other form of
14 discipline less than termination?

15 A. I do not believe he has had any other
16 discipline. I don't -- I don't -- I can't tell you
17 that for sure though.

18 Q. Okay. In discussion you discussed the
19 Kent Hand complaint against Mr. Holcomb?

20 A. Yes.

21 Q. And you said -- I believe you said it was
22 investigated.

23 A. Yes.

24 Q. And that -- what I don't remember is what
25 you said was the result of that investigation.

1 A. I don't think I said.

2 Q. That's why I don't remember. Then let me
3 ask you, what was the result of that investigation?

4 A. He received a 30-day suspension.

5 Q. Okay. And I believe that was most likely
6 filed in either 2015 or 2016? Does that sound
7 correct, about right?

8 A. Yes.

9 Q. And since serving his suspension -- he's
10 still currently employed, right?

11 A. Yes.

12 Q. My notes are right on that. Okay.
13 Has he received another complaint?

14 A. Not that I'm aware of.

15 Q. Then let's go to the first reinstatement
16 of Mr. Talburt. From his termination to his
17 reinstatement, approximately how many weeks or
18 months was that?

19 A. I don't -- I don't know. I'd have to look
20 that up.

21 Q. But it wasn't like a year later, right?

22 A. Correct.

23 Q. It was more like maybe six weeks?

24 A. I -- I really don't know.

25 Q. But that's more likely than not that it

1 was a shorter period?

2 A. It's more likely than a year, yes.

3 Q. Okay. And it's also more likely that it
4 was less than six months too, isn't it?

5 MS. GEHRKE: I think she's already
6 answered she doesn't know. And again, it's supposed
7 to be non-referral and we're going down it again.

8 MR. CHAPPELL: Well, people sometimes get
9 helped by remembering, they're not sure, and when
10 you shorten the period or lengthen it, that helps to
11 refresh their recollection. That's all I'm trying
12 to do. Let her finish answering, and then I'll
13 quit.

14 THE ARBITRATOR: Do you know?

15 A. No. I deal with hundreds of cases every
16 single year, so I don't know the details of that.

17 BY MR. CHAPPELL:

18 Q. His second reinstatement, Mr. Talburt's,
19 did that take up to a year to have him reinstated?

20 A. No, I don't believe so.

21 Q. That one was maybe a month to six weeks?

22 A. Yes, I believe that's about right.

23 Q. Okay. Your final comment -- let me see.
24 You testified that you didn't think the messages
25 that Ms. Carter sent to Ms. Stone on Facebook

1 Messenger could be considered a Union issue. I
2 think that's what you said or something similar to
3 that. Is that right?

4 A. Yes.

5 Q. You didn't see it as a --

6 A. I said I didn't believe they were Union
7 protected speech.

8 Q. But do you agree that the discussion
9 that -- or the comments that Ms. Carter put on those
10 messages dealt with Union, dealt with a Union or how
11 dues are being spent?

12 A. There are some allegations of what
13 Ms. Carter's assumptions were about Union dues being
14 spent, yes.

15 Q. Okay. So you're not denying that
16 Ms. Carter was talking about Union matters when she
17 sent it to Ms. Carter, Ms. Stone? Sorry about that.

18 A. I think that there are a few sentences in
19 these posts that may have been related to Union
20 dues.

21 Q. Do you know whether the Company got any
22 complaints about the flight attendants who may have
23 turned the plane lights to pink?

24 A. Well, as I said before, I think there may
25 have been one complaint, but I can't tell you that

1 for sure.

2 Q. And you think that one, though, was a
3 customer complaint, right?

4 A. I thought it was.

5 Q. Okay. So do you know of any flight
6 attendants filing a complaint over that?

7 A. I don't.

8 Q. As far as you know, no one, no flight
9 attendant filed a complaint?

10 A. They may have. I just don't know about
11 it.

12 Q. And you were not involved in any
13 investigation of an employee over that incident?

14 A. That's correct.

15 Q. But someone else in labor relations might
16 have been involved in such a complaint?

17 A. If there was a complaint that involved
18 flight attendants and it rose to the level of
19 involving our team, yes, somebody would have been
20 involved in it.

21 MR. CHAPPELL: I have nothing else.

22 THE ARBITRATOR: Anything further?

23 MS. GEHRKE: No, that's it. Thank you.

24 THE ARBITRATOR: Thank you very much. All
25 right. Off the record.

1 (Off record from 12:55 to 12:56)

2 THE ARBITRATOR: Let's go back on the
3 record. And I believe the Company has rested its
4 case.

5 Did you have anything further or other
6 proofs to offer?

7 MR. CHAPPELL: I do not. I don't need to
8 do anything further.

9 THE ARBITRATOR: All right. We have
10 discussed off the record the timing of post-hearing
11 briefs. The parties have indicated it's their
12 desire to submit post-hearing briefs. My preference
13 is that they be submitted simultaneously to me in
14 PDF as well as MS Word format. And upon receipt of
15 both sides' submissions, I will cross-serve them to
16 you so you don't have to mess with certified mail
17 and who got what and that sort of stuff.

18 And I will acknowledge receipt of the
19 transcript on or about December 27 and will look for
20 post-hearing briefs to be due on Friday, January 27?

21 MS. GEHRKE: 26.

22 MR. CHAPPELL: 26.

23 THE ARBITRATOR: 26. Okay. Anything
24 further? I appreciate your professionalism. I've
25 enjoyed working with you. I think you have had a

1 good opportunity to present your case. I pledge to
2 do the best I can to get it right.

3 And so if there's nothing further, we'll
4 go off the record.

5 MR. CHAPPELL: I have nothing.

6 MS. GEHRKE: Nothing further. Thank you.

7 THE ARBITRATOR: All right.

8 MR. CHAPPELL: And thank you for your
9 assistance.

10 THE ARBITRATOR: You bet.

11
12 (Proceedings concluded at 12:57 p.m.)
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REPORTER'S CERTIFICATION

I, KAREN L. SHELTON, CSR No. 7050,
Certified Shorthand Reporter, certify;

That the foregoing proceedings were taken
before me at the time and place therein set forth;

That the testimony of the witnesses, the
questions propounded, and all objections and/or
statements made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative
or employee of any attorney of the parties, nor
financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand and
seal of office on this the 15th day of December,
2017.

KAREN L. SHELTON, CSR/RDR/CRR
Texas CSR 7050 Exp. 12/31/18
ABC Court Reporters
CRCB Firm Registration No. 491
The Nathaniel Barrett Building
903 E. 18th Street, Suite 115
Plano, Texas 75074
214.303.0ABC (0222)
214.303.0202 (fax)

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